Rules

Supreme Court of Georgia

Effective January 1, 2024

Rule 41 (2) amended April 15, 2024
Rule 13 (2) (c) (i) (ii) amended June 28, 2024
Rule 10 (4) amended October 9, 2024
Rule 26.1 amended October 9, 2024
Rule 4 (8) amended January 2, 2025
Rule 7 amended January 2, 2025
Rule 9 amended January 2, 2025
Rule 26 (3) amended January 2, 2025

I. GENERAL

II. FILINGS

XII. THE PARENTAL NOTIFICATION ACT

XIII. THE APPELLATE RECORD

XIV. MEDIA RULES

I. GENERAL

Rule 1. CLERK'S OFFICE HOURS AND LOCATION.

The Clerk's Office will be open Monday through Friday from 8:30 a.m. to 4:30 p.m. EST/EDT. The office is closed on all Georgia State holidays and when otherwise ordered (such as for inclement weather); such orders will be posted on the Court's website.

Address: Clerk, Supreme Court of Georgia, Nathan Deal Judicial Center, 330 Capitol Avenue, S.E., 1st Floor, Suite 1100, Atlanta, Georgia 30334.

Telephone number: (404) 656-3470.

Website: www.gasupreme.us.

Rule 2. DOCUMENTS; COMMUNICATIONS; GENERAL.

No filing or other communications to the Court will be accepted by facsimile, and the Clerk's Office will not transmit documents by facsimile, except when ordered by the Court.

(1) **Requirements for Written and Signed Documents.** All filings, including, but not limited to, documents, motions, briefs, requests, applications, and communications relating to appeals shall be in writing and legible; shall be filed with the Clerk's Office; shall be signed, as further specified in subsections (1) and (2), by an attorney of record, an attorney granted courtesy appearance, or pro se party; shall include the mailing address, telephone number, and e-mail address, if any, of the attorney or the pro se party signing the document; shall include the State Bar of Georgia membership number of all submitting attorneys; and shall show that copies have been served upon opposing counsel in accordance with Rule 14, Service. If a registered law student authorized under the Student Practice Rule or a person authorized to practice under the Provisional Admission Rules for Recent Law School Graduates co-authors a filing or pleading, the filing shall disclose such status and be co-signed by the supervising attorney. Filings or communications with the Court by corporate entities, including all classes of corporations and

partnerships, professional associations, and limited liability companies, must be signed by an attorney authorized to practice before the Court.

(a) **Paper Filings.**

Signatures on pro se paper filings must be handwritten by the submitting individual. Paper documents with conformed or stamped signatures shall not be accepted.

(b) **Electronic Filings.**

(i) All electronic filings must be submitted in a searchable portable document format (PDF) only.

(ii) Signatures must be electronic or a conformed signature of the counsel or pro se party filing the document, which means that counsel's or the pro se party's typed name is preceded by "/s/" and is underlined. Counsel's or the pro se party's typed name must also appear below the underline. If there are signatures of multiple attorneys on the document, use of the filing attorney's login and password and the conformed signatures of the others will be presumed to mean that the filing attorney has the agreement of the other signatories to what is filed.

(iii) Attorney filings must be in accordance with Rule 17, Documents: Electronic Filings.

(2) **Communications with the Court.**

There shall be no communications relating to pending cases to any Justice or member of the Justice's staff.

(3) **Documents.**

(a) **Paper.**

All documents filed with the Court shall be on letter size (8 1/2″ x 11″) white paper or in a searchable portable document format (PDF). All documents filed on paper (i.e., filings not electronically filed) shall be typed or printed on non-transparent white paper.

(b) **Line Spacing.**

For line spacing requirements, see Rule 16 (4).

(c) **Fonts.**

For font requirements, see Rule 16 (1).

(d) **Noncompliance.**

Any documents that do not comply with the Court rules may be returned to counsel with notice of the defect of the pleading, and/or counsel may be ordered to redact and recast them.

(4) **Counsel.**

All reference to counsel in these rules shall include pro se parties and any registered law students authorized under the Student Practice Rule and persons authorized to practice under the Provisional Admission Rules for Recent Law School Graduates and their supervising attorneys.

(5) **Stamped "Filed" Copy.**

A party desiring to obtain a return copy of a paper document stamped as "filed" must provide an extra copy of the document and a pre-addressed stamped envelope with sufficient postage.

Rule 3. TERMS OF COURT.

This Court has three terms of court each year — the **December Term**, the **April Term**, and the **August Term**. Cases are docketed to a term as required by the Constitution of the State of Georgia and as otherwise required by law. The docket will specify the term to which a case is docketed. Cases docketed to a specific term must be decided before the expiration of the following term.

The Court's terms (including any motion for reconsideration period) are as follows:

(1) The **December Term** begins on the first Monday in December and ends on March 31 of the following year;

(2) The **April Term** begins on the first Monday in April and ends on July 17;

(3) The **August Term** begins on the first Monday in August and ends on November 18.

Rule 4. REQUIREMENTS FOR ATTORNEYS, REGISTERED LAW STUDENTS, AND PERSONS AUTHORIZED TO PRACTICE UNDER THE PROVISIONAL ADMISSION RULES.

An attorney must be in good standing and admitted to the bar of this Court in order to make an appearance, as provided in subsection (1) below. An attorney who is not admitted to practice in Georgia but who is admitted and authorized to practice law in the highest court in another state, the District of Columbia, or a territory of the United States may appear pro hac vice in a particular case with permission of the Court as provided in subsection (8) below. A law student authorized to practice under the Student Practice Rule or a person authorized to practice under the Provisional Admission Rules for Recent Law School Graduates may appear in a particular case with the permission of the Court.

The Court's website has detailed admission instructions. See https://www.gasupreme.us/court-information/attorney-admissions/.

(1) **Application and Oath**. Any active member of the State Bar of Georgia may be admitted to practice in this Court upon written application, which shall include the certificates of at least two members of the bar of this Court attesting that the applicant is of good private and professional character.

The oath, which is required to be taken in open court or before a Justice and which shall be subscribed in a book to be kept by the Clerk and known as the "Roll Book," is as follows:

"*I do solemnly swear (or affirm) that I will conduct myself as an attorney or counselor of this Court, truly and honestly, justly and uprightly, and*

according to law, and that I will support the Constitution of the State of Georgia and the Constitution of the United States. So help me God."

(2) **Fee.** The fee for admission is $30. Once sworn in, the Clerk will issue a license under the seal of the Court as evidence of the admittee's authority to practice before the Court.

(3) **Admission in Absentia.** The Court allows active members of the State Bar of Georgia who reside outside of Georgia to be admitted in absentia. Two items are required: (1) the Application for Admission and (2) the Oath to be administered by an appellate judge or a judge of a court of record, as shown by the admittee's signed affirmation and the judge's attestation. Upon receipt and verification of the original documents, the Clerk will mail the admittee a license under seal that evidences admission to the bar of this Court. The admittee must make an appointment with the Clerk's Office to sign the attorney Roll Book upon return to Georgia.

(4) **Certificate of Good Standing.** A certificate of good standing will be issued to members of the bar of this Court for a fee upon request. Instructions for making a request are available at https://www.gasupreme.us/court-information/purchase/.

(5) **Withdrawal or Substitution of Counsel.** Any withdrawal, discharge, or substitution of attorneys of record shall be communicated to the Court in writing via the e-file system and shall include the name and number of the case in this Court and the name and address of the counsel's client. Counsel shall provide a copy of the notification to the client, substituted counsel, and opposing counsel, including the Attorney General where required by law. Counsel will not be permitted to withdraw if the withdrawal will leave the client without counsel, except by prior permission of the Court.

(6) **Change of Contact Information.** If, during the pendency of any proceeding, counsel of record for any party changes their business address, e-mail address, or telephone number, counsel shall update the information on the e-file system in "Update My Profile" and shall notify the Clerk by e-filed letter of this change and show service on opposing counsel. Upon receipt of the notification, the Clerk will confirm that the

Court's docket has been updated. Failure of counsel to receive notice of Court action shall not be grounds to reinstate or reconsider any matter adverse to counsel or counsel's client if counsel failed to properly update the e-file system or to notify the Court of any change of business address, e-mail address, or telephone number.

(7) **Pro Se Parties.** The words "counsel" and "attorney" as used in these rules include pro se parties if such parties are not represented by an attorney.

(8) **Pro Hac Vice Appearance.** A non-resident attorney who is not an active member in good standing with the State Bar of Georgia but who is a member in good standing of the bar of the highest court of any state or territory of the United States or the District of Columbia desiring to appear in this Court pro hac vice in a single case shall file an application for admission pro hac vice with the State Bar of Georgia before making an appearance in the case at https://www.gabar.org/membership/howtojoin/pro-hac_application.cfm. If the non-resident attorney's application to the State Bar has not been approved before the time of filing the first pleading on which the non-resident attorney intends to appear as counsel, the non-resident attorney must file an application for pro hac vice admission in this Court contemporaneously with the first pleading. All applications for pro hac vice admission filed in this Court must conform with the following requirements.

(a) **Application Contents:** The application, which shall be served on all parties, shall contain the following information:

(i) A current certificate of good standing from the highest court of the out-of-state attorney's jurisdiction;

(ii) The applicant's business address, e-mail address, and telephone number;

(iii) The name of the party or parties sought to be represented;

(iv) Whether the applicant (i) has ever been denied admission pro hac vice in any court in any state, (ii) had admission pro hac vice revoked by any court in any state, or (iii) has otherwise been formally disciplined or sanctioned by any court;

(v) The number of times the applicant has been admitted pro hac vice to any court in Georgia during the calendar year, if any, along with the case caption, case number, and jurisdiction for each such case; and

(vi) Whether any formal written disciplinary proceeding has ever been brought against the applicant by a disciplinary authority in any jurisdiction. If so, provide a description of the nature and status of the disciplinary proceeding.

(b) **Proof of Submission to State Bar:** Each time an application for admission pro hac vice is submitted under this rule, the applicant must include an affidavit with the application to this Court stating, "I submitted the pro hac vice application and fee submission to the State Bar of Georgia on (date of submission)." The applicant must attach as an exhibit to the affidavit a copy of the State Bar's acknowledgment showing receipt of the application and payment. If the applicant has not yet received the State Bar's acknowledgment at the time of filing the application for pro hac vice admission in this Court, the applicant may instead attach as an exhibit to the affidavit proof of successful submission of the application and payment to the State Bar (i.e., in the form of a computer screenshot of the submission screen on the State Bar's website or a copy of an e-mail indicating successful submission). Within one day of the receipt of the State Bar's acknowledgment, the applicant must supplement the application in this Court with the State Bar's acknowledgment.

(c) **Fee Waiver:** Attorneys seeking to represent an indigent party may qualify for a waiver of the fee if the attorney files a statement with the application that he or she is representing the client pro

bono due to the client's indigence. Proof of the fee waiver must be submitted with the pro hac vice application.

(d) **Obligations Owed by Counsel:** A lawyer admitted pro hac vice shall have the continuing obligation during the period of such admission to promptly advise the Court of a disposition made of pending charges or the institution of a new disciplinary proceeding or sanction.

(i) Upon the grant of the application, the applicant submits to the authority of the Court and the jurisdiction of the State Bar of Georgia for all conduct relating in any way to the proceeding in which the applicant seeks to appear. The applicant who is provided pro hac vice authority for a proceeding may be disciplined in the same manner as an in-state lawyer.

(ii) **Local Counsel:** The application must be made by a member of the bar of this Court on behalf of the non-resident attorney, who will also serve as counsel in the case.

(e) **Electronic Registration:** The Court will provide access to electronic filing to attorneys granted pro hac vice admission. Attorneys granted this status are required to register in the Court's e-file system and to comply with all associated rules and requirements.

(9) **Reserved.**

(10) **Absences.** Unlike the uniform rules for other courts, this Court does not recognize or grant leaves of absence. Counsel should make arrangements to monitor the case while absent. If appropriate to the pending matter, counsel may request an extension of time.

(11) **Appearances by Former Attorneys or Justices of the Court.** An attorney who formerly was an employee or a Justice of this Court may not enter an appearance in any case during the six months

after his or her service at the Court or in any case that was pending before the Court during his or her service.

(12) **E-Filing Portal.** The use of the Supreme Court's electronic filing docket system (SCED) is mandatory for attorneys. Attorneys are responsible for maintaining the accuracy of their account information. See Rule 4 (6).

Rule 5. FILING FEES.

(1) **Filing Fees.**

(a) $80 in all criminal cases and in habeas corpus cases involving persons whose liberty is being restrained by virtue of a sentence imposed against them by a state court.

(b) $300 in all other civil cases.

(c) Filing fees accrue upon docketing of the direct appeal, an application for discretionary or interlocutory appeal, or an emergency motion. The fees shall be paid by the applicant or movant no later than the filing of the application or motion or in the case of direct appeals, at the time of the filing of the original brief of the appellant. The filing fee must be paid even if the direct appeal is resolved (i.e., withdrawn, dismissed, etc.) before appellant files a brief.

(d) When the Court of Appeals transfers a case from that court to the Supreme Court, the case shall be docketed and proceed as if it had been originally filed here. No filing fee is required if the fee has already been paid in the Court of Appeals, or if the case involves a party who proceeded in forma pauperis in the Court of Appeals or who is otherwise not required to pay filing fees as set out in Rule 5 (2).

(2) **Exceptions to Payment of Filing Fees.**

(a) The filing fee will not be assessed where a petition for certiorari, an application for discretionary appeal, an application for interlocutory appeal, an application for interim review, or a certificate of probable cause to appeal has been granted. Also, the filing fee will not be assessed

where the filing fee was paid in connection with an emergency motion that was filed before the main appeal was docketed.

(b) Filing fees are not assessed for certified questions under Rule 46, in judge or lawyer discipline cases, in other matters brought by the State Bar of Georgia, or in Office of Bar Admissions matters.

(c) Filing fees are not required where, at the time such fees would otherwise be due, any of the following apply:

(i) The applicant or appellant is pro se (not represented by counsel) and incarcerated;

(ii) Counsel for the applicant or appellant was appointed to represent the applicant or appellant by the trial court because of such client's indigence and, at the time the filing fee would otherwise be due, counsel files a statement that he or she was appointed by the trial court because of such indigence; or

(iii) The applicant or appellant, or counsel for the applicant or appellant files a notarized affidavit of indigence on the form provided by the Court. (Forms may be obtained from the Clerk's Office or from the Court's website.) The form must contain an original signature and must be notarized. Each case filed in this Court requires a separate affidavit.

(3) **Duties of the Clerk.** The Clerk is prohibited from filing an application, petition for certiorari, emergency motion, or the appellant's brief in a direct appeal unless the filing fee has been paid or one of the exceptions under Rule 5 (2) has been met. The Clerk must reject a filing submitted with an affidavit of indigence if the affidavit (1) is not on the form provided by the Court, (2) does not include an original signature, or (3) is not properly notarized.

(4) **Payment Method.** Filing fees may be paid by credit card for any electronic filing or paid by check, money order, or cash if a paper filing is made. Counsel may pre-pay filing fees by submitting a check in person to the Clerk's Office prior to the electronic submission.

Rule 6. FRIVOLOUS APPEALS.

The Court may, with or without a motion, impose a penalty not to exceed $2,500 against any party and/or party's counsel in any civil case in which there is a direct appeal, application, petition, or motion that the Court determines to be frivolous. For purposes of this rule, a case is frivolous if:

(1) It is without legal merit and is not supported by a reasonable argument for an extension, modification, or reversal of existing law, or the establishment of new law; or

(2) It contains assertions of material facts that are false or unsupported by the record; or

(3) It is presented for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

The party or party's counsel may respond to a motion to impose a penalty for a frivolous appeal within ten days or, if no motion was filed, file a motion for reconsideration within ten days of the order. The imposition of such penalty shall constitute a money judgment in favor of the appellee against the appellant or appellant's counsel or in favor of the appellant against the appellee or appellee's counsel, as the Court directs. Upon filing of the remittitur in the trial court, the penalty may be collected as are other money judgments.

The Court may also, with or without a motion, impose a penalty in an appeal taken for delay pursuant to OCGA § 5-6-6.

Rule 7. CONTEMPT AND SANCTIONS.

Breach of any of the rules or orders of this Court or the filing of a direct appeal, application, petition, or motion which the Court determines to be frivolous in a civil or criminal case on any of the grounds in Rule 6 (1) – (3) may subject the offender to sanctions, including but not limited to contempt, and for lawyers, revocation of the license to practice in this Court. Breach of any of these rules or the filing of a direct appeal, application, petition, or motion which

the Court determines to be frivolous in a civil or criminal case may also cause the appeal to be dismissed or the party's brief(s) to be stricken.

Personal remarks which are discourteous or disparaging to opposing counsel or to any judge are strictly forbidden, whether oral or written, and may be cause for sanctions.

Nothing in this rule affects the Court's inherent authority to sanction attorneys or parties before this Court.

II. FILINGS

Rule 8. NOTICE OF DOCKETING.

The Clerk will notify parties (for e-filers through the e-file system and for those exempt from e-filing under Rule 13 via U.S. mail) of the docketing date and case number of any case added to the Court's docket. Case numbers begin with the letter "S" followed by the docket year and a letter designating the case type — for example, S24A0000. The case number and name should be used as an identifier on all filings. Failure of counsel to receive the docketing notice shall not relieve counsel of the responsibility to file briefs timely.

Rule 9. SUPERSEDEAS.

The Court may issue an order of supersedeas or other similar orders whenever deemed necessary. Service of motions for supersedeas shall be made on the opposing party or attorney before filing and shall be so certified. A copy of the order being appealed and a copy of the notice of appeal must be included with the motion. A motion for supersedeas shall state whether a motion to stay the order at issue has been filed in the trial court or explain why doing so is not practicable, shall specify the status of such motion, and shall contain an explanation of why an order of this Court is necessary and why the action requested is time-sensitive. A motion for supersedeas must also include a stamped "filed" copy of the notice of appeal,

unless the movant is seeking an appeal through a discretionary or interlocutory application, in which case the motion for supersedeas must be filed as a separately identified document contemporaneously with the discretionary or interlocutory application.

Rule 10. BRIEFS OF THE PARTIES: TIME OF FILING.

(1) **Principal Briefs.**

(a) The appellant shall file a principal brief within 20 days after the appeal is docketed.

(b) The appellee shall file a principal response brief within 40 days after the appeal is docketed or 20 days after the filing of the principal brief of the appellant, whichever is later.

(2) **Reply Brief.** The appellant may file a reply brief within 50 days after the appeal is docketed or within ten days after the filing of the response brief of the appellee, whichever is later.

(3) **Cross-Appeals.** The cross-appellant shall file a principal brief within 20 days after the cross-appeal is docketed. The cross-appellee shall file a response brief within 40 days after the cross-appeal is docketed or 20 days after the filing of the principal brief of the cross-appellant, whichever is later. The cross-appellant may file a reply brief within 50 days after the cross-appeal is docketed or within ten days after the filing of the response brief of the cross-appellee, whichever is later. Appeals and cross-appeals may be argued in one brief, but doing so will not extend the time for filing or the page or word-count limits except by leave of the Court.

(4) **Transferred Cases.** If a case is transferred from the Court of Appeals to this Court, the parties may elect to rely on briefs already filed in the Court of Appeals, and the parties shall notify the Court of their election, in writing, within two business days of docketing. If a party so elects, any such brief shall be considered as filed on the date of docketing in this Court. If additional briefs remain to be filed, those brief(s) shall be filed

within the time required under this rule, using the date of docketing in this Court to calculate the filing time.

If the party or parties do not elect to rely on briefs already filed in the Court of Appeals, they shall file their briefs within the time required under this rule, using the date of docketing in this Court as the operative date. See Rule 51 (4) for oral argument requests in transferred cases and Rule 26.1 for filing a Certificate of Interested Persons (CIP) in transferred cases.

(5) **Failure to File Briefs.** A failure to comply with an order of the Court directing a party to file a brief may cause the filing to be rejected and the appeal to be dismissed, and it may also subject a party and its counsel to sanctions under Rule 7.

Rule 11. DUE DATE.

To determine a due date for a filing, start counting with the day after docketing, including weekends and holidays. When a due date falls on a Saturday, Sunday, an official state or federal holiday, or a day when the Clerk's Office has been closed per an order posted on the Court's website, the time for filing is extended to the next business day. This rule applies to all filings, including motions for reconsideration. See Rule 27.

Rule 11.1. FILINGS AFFECTED BY JUDICIAL EMERGENCY ORDERS.

For appeals, petitions for certiorari, applications, motions, disciplinary proceedings, and other proceedings for which any filing deadlines have been suspended by any order declaring a statewide judicial emergency, as extended by subsequent orders, or by a local judicial emergency order entered by the chief judge of a superior court, parties shall, when submitting any filing so affected, attach to the end of such filing a separate "Certificate of Timeliness." Such certificate shall not be counted toward the applicable page limitation, see Rule 20, and shall state the following:

(1) the date the filing was due before the deadline for the filing was suspended (without regard to any non-emergency-related extensions

previously granted, and without the application of OCGA § 1-3-1 (d) (3) where the filing deadline would have fallen on a weekend or legal holiday);

(2) the number of days that remained before the date specified in (1), as of suspension of the deadline; and

(3) that the filing being submitted is timely because it is being filed within the number of days calculated under (2), counting from the date the suspension is lifted (subject to OCGA § 1-3-1 (d) (3) if this new filing deadline falls on a weekend or legal holiday).

In the event a party's filing deadline has been affected by any local judicial emergency order entered by the chief judge of a superior court or by any case-specific trial court order, a copy of each such order shall be attached to the party's Certificate of Timeliness.

The Certificate of Timeliness should be in substantially this form.

Rule 12. EXTENSIONS OF TIME.

(1) Extensions of time for filing petitions for certiorari, applications for appeal, and motions for reconsideration will be granted only in unusual circumstances and only if the request is filed before the time for filing the pleading has expired. The request should explain why the extension is needed and the position of the opposing party. A copy of the order granting the extension must be included as an exhibit to the document for which the extension was granted.

(2) Requests for extensions of time for filing briefs should be filed sufficiently in advance of their due dates so that, if the request is denied, the briefs can still be filed within the time fixed by these rules. A copy of the order granting the extension must be included as an exhibit to the document for which the extension was granted.

Rule 13. DETERMINATION OF FILING DATE.

Except as otherwise provided in this rule, a document will be deemed filed on the date that it is received electronically by the Court or is

physically received in the Clerk's Office. For purposes of electronic filing of documents, any document received electronically between 12:00 a.m. and 11:59 p.m. shall be deemed filed on that date, as long as the filing otherwise complies with this Court's rules. See Section (3) below for the motion for reconsideration exception.

(1) **Electronic Filing.**

(a) Any party represented by an attorney is required to submit filings through the electronic filing system and shall follow the policies and procedures governing electronic filing as set out in the Court's electronic filing instructions at https://www.gasupreme.us/sced/, unless the Court determines in a particular case that the filing shall be limited to conventional paper filing or unless the Court grants a request for exemption from mandatory electronic filing for good cause shown.

(b) Pro se filers may utilize the electronic filing (SCED) system, but are not required to. Pro se filers electing to utilize the SCED system shall follow the policies and procedures governing pro se electronic filing set out in the Court's electronic filing instructions at https://www.gasupreme.us/sced/ unless the Court determines in a particular case that the filing shall be limited to conventional paper filing.

(2) **Conventional Paper Filing.**

(a) Physical Delivery Paper Filing.

Except as otherwise provided in this rule, a paper filing will be deemed filed on the date and time it is physically received in the Clerk's Office with sufficient costs, if applicable, or an affidavit of indigence; a proper certificate of service; and otherwise in conformity with these rules.

(b) Filing by Mail or Commercial Delivery.

A document transmitted by priority, express, or first-class (including certified or registered) mail via the United States Postal Service, or by a third-party commercial carrier for delivery to the Clerk within three days, shall be deemed filed on the date shown by the official postmark

affixed by the United States Postal Service (not a private or commercial postage meter) or the commercial carrier's transmission form on the envelope or package containing the document, but only if the envelope or package is properly addressed, postage is prepaid, and the postmark or transmission date is legible. Otherwise, the document will be deemed filed on the date the document was physically received in the Clerk's Office. This rule does not apply to motions for reconsideration. See Rule 13 (3).

(c) Filings by Pro Se Prisoners.

(i) A document submitted by a prisoner who is not represented by counsel shall not be deemed filed untimely if the date that the prisoner delivers the document to prison officials for forwarding to the Clerk is within the time for filing. In the absence of an official United States Postal Service postmark showing a date on or before the filing deadline, such delivery shall be shown by the date on a certificate of service or on an affidavit submitted by the prisoner with the document stating that the prisoner is giving the document to prison officials with sufficient prepaid postage for first-class mail. Such a certificate or affidavit will give rise to a presumption that the date of filing reflected therein is accurate, but the State may rebut that presumption with evidence that the document was given to prison officials after the filing deadline or with insufficient postage. If the institution has a system designed for legal mail, the prisoner must use it to benefit from this rule. This rule does not apply to motions for reconsideration. See Rule 13 (3).

(ii) Discretionary and interlocutory applications filed by a pro se prisoner pursuant to OCGA § 5-6-34 (Interlocutory Application) and OCGA § 5-6-35 (Discretionary Application) shall be governed by Rule 13 (2) (c) (i). However, the docket date, for purposes of the Court's processing and adherence to statutory deadlines, shall be the date the application was physically received in the Clerk's Office.

(3) **Motions for Reconsideration.**

Except when otherwise ordered, all motions for reconsideration must be physically received or electronically filed in the Clerk's Office within ten days of the order or judgment for which reconsideration is sought. See

Rule 27. This rule applies to pro se prisoners, notwithstanding Rule 13 (2) (c).

Rule 14. SERVICE.

Prior to filing any extension request, brief or document in a case, service on opposing attorneys or pro se parties shall be certified and a statement of the names and addresses of the attorneys or pro se parties served, along with an identification of the manner of service as explained below, shall be included in the certificate. **Extension requests, briefs or other submissions not so certified will not be accepted for filing**.

In appeals involving death sentences, murder, aircraft hijacking, and treason, copies of the notice of appeal, briefs, motions, and all other filings must be served on the Attorney General, the District Attorney, the attorney for the accused or the accused himself or herself if he or she is pro se.

A party may serve a filing upon opposing counsel or a pro se party by one of three methods, which must be identified in the certificate of service: United States Postal Service, personal service, or electronic service via e-mail of a document that is electronically filed. A party may serve a document electronically if the filer certifies that, based upon a prior agreement with the recipient party, service of a PDF copy of the document via e-mail will be deemed sufficient service. The certification shall state, in substance: "I certify that there is a prior agreement with (insert party or law firm name) to allow documents in a PDF format sent via e-mail to suffice for service under Supreme Court Rule 14." The filer shall also, in the accompanying certificate of service, list all recipients served electronically by full name, e-mail address, telephone number, and complete physical mailing address. Filing of any document in the Court's case management system shall not constitute sufficient service under this rule.

Rule 15. NUMBER OF COPIES.

Electronic Transmission. Electronic filing of a document in conformity with the Court's e-filing standards is in lieu of a paper original.

Number of Paper Copies. When a filer is acting pro se or is an attorney exempted from the e-filing requirements, see Rule 13, only an original of each paper document shall be filed.

Rule 16. TYPOGRAPHY.

(1) **Font.** A proportionally-spaced, serif font must be used for body text. Monospaced fonts (e.g., Courier or Courier New) are not allowed. Examples of permissible fonts include those in the Century family (e.g., Century Schoolbook), Baskerville, Book Antiqua, Calisto, Bookman Old Style, and Palatino. A sans-serif font (e.g., Helvetica or Verdana) may be used for headings if desired.

(2) **Point Size.** The font used for body text and headings must be no smaller than 13-point Century Schoolbook. The font used for footnotes must be no smaller than 11-point Century Schoolbook.

(3) **Text Formatting.** Text must be either (a) left-aligned or (b) justified with hyphenation.

(4) **Line Spacing.** Text must have no less than 1.2x spacing between lines, and no more than double spacing between lines, except that block quotations, headings, captions, and footnotes may use single spacing.

(5) **Page Margins.** Margins must be no smaller than one inch at the top, bottom, and sides. Larger margins are permitted.

(6) **Documents Not Filed Electronically.** The type or handwriting size in documents not filed electronically shall be similar in size to 14-point Century Schoolbook font.

Rule 17. DOCUMENTS: ELECTRONIC FILINGS.

(1) All documents submitted through the electronic filing system shall be on letter size (8 1/2" x 11″) white paper in a searchable portable document format (PDF).

(2) Such documents shall have not less than 1.2x spacing and no more than double spacing between the lines of text, except that block

quotations, headings, captions, or footnotes may use single spacing. Margins shall be no less than one inch at the top, bottom and sides.

(3) Documents submitted through the electronic filing system may not contain hyperlinks to other documents or to external websites, but hyperlinks between portions of a filed document are permissible.

(4) The sealing of documents is very rare in the Supreme Court. Parties seeking to seal a document should contact the Clerk's Office well in advance of the filing deadline. If permission to seal a document is granted, then parties should contact the Clerk's Office before submitting documents containing material that is under seal through the electronic filing system. Filers are admonished to pay strict attention to this instruction, since documents submitted through the electronic filing system are ordinarily posted publicly.

(5) Personal identifying information contained in the filings must be redacted as provided in OCGA § 9-11-7.1. Also, filings must refrain from including other personally identifying information such as (1) names of individuals who are minors (under the age of 18) at the time the filing is submitted to this Court (use instead the minor's initials) and (2) home addresses. The responsibility to redact this information rests with counsel and the parties.

(6) No material may appear redacted in a filing with the Court except as set out in Rule 17 (5) or unless counsel for any party secures prior permission from this Court to redact the sensitive materials from the filings. Unredacted material included in nonconfidential or unsealed filing will ordinarily be posted publicly.

Rule 18. DOCUMENTS: PAPER FILINGS.

(1) All documents submitted in paper format with the Court shall be printed, mechanically typed, or handwritten on letter size (8 1/2″ x 11″) non-transparent white paper. Documents should not contain tabs, colored sheets of paper, or binding and should not be stapled.

(2) Paper documents that are printed or mechanically typed shall have not less than 1.2x spacing and no more than double spacing between the

lines of text, except that block quotations, headings, captions, or footnotes may use single spacing; paper documents that are handwritten shall have line spacing that allows for easy readability. Margins shall be no less than one inch at the top, bottom and sides.

Rule 19. BRIEFS: ENUMERATION OF ERRORS AND JURISDICTIONAL STATEMENT.

(1) **Appellant's Brief.** An appellant's brief will usually be most helpful to the Court if it includes the items listed below, under appropriate headings and in the order indicated. At a minimum, the appellant's brief must include items (c), (d), (e), and (g).

(a) For briefs of significant length or complexity, a table of contents and a table of cited authorities, each with page references.

(b) A concise introduction setting out the key issues and arguments on appeal.

(c) A concise jurisdictional statement, which must identify:

(i) The basis for this Court's appellate jurisdiction. See, e.g., OCGA §§ 5-6-34 and 5-6-35.

(ii) The basis for the Supreme Court having jurisdiction instead of the Court of Appeals. See, e.g., Ga. Const. of 1983, Art. VI, Sec. VI, Pars. II, III; OCGA § 15-3-3.1. If a party contends that this Court has jurisdiction because of a constitutional question, its jurisdictional statement shall contain record citations indicating where the constitutional question was raised below and where the trial court ruled on it.

(iii) The filing dates establishing that the appeal is timely. See, e.g., OCGA §§ 5-6-38 and 5-6-39.

(d) An enumeration of errors, which shall set out separately each error relied upon. See OCGA § 5-6-40. In an appeal in which this Court granted certiorari review, this item should instead list the questions presented by the Court in its order granting the writ of certiorari.

(e) A statement of the case that sets out the material facts relevant to the appeal, describes the relevant proceedings below, and identifies how the error(s) in question were preserved for review, with appropriate citations to the record.

(f) For briefs of significant length or complexity, a summary of argument that presents, plainly and concisely, each argument in the order presented in the body of the brief. An effective summary will not merely repeat the argument headings.

(g) The argument, which must cite the authorities relied on and include a concise statement of the applicable standard(s) of review, and which should generally follow the order of the enumeration of errors. Point headings that identify and organize arguments are encouraged.

(2) **Appellee's Brief.** An appellee's brief will usually be most helpful to the Court if it follows the arrangement set out in Rule 19 (1) except for item (d). Items (c) and (e) may be omitted if the appellee is satisfied with their presentation by the appellant. If an appellee disagrees with the appellant's statement of the case in whole or in part, the appellee must identify any points of disagreement with supporting citations to the record.

(3) **Reply Brief.** If the appellant chooses to file a reply brief, the brief need only include item (g) listed in Rule 19 (1). For reply briefs of significant length or complexity, including items (a) and (b) is encouraged. Reply briefs may not be used to expand the enumeration of errors.

Rule 20. OTHER WORD AND PAGE LIMITATIONS.

(1) **Principal Briefs.** In both civil and criminal cases (except for death penalty cases — see Rule 20 (4)), principal briefs (appellants' and appellees' initial briefs) are limited to 10,000 words. Mechanically typed and handwritten principal briefs are limited to 30 pages.

(2) **Reply Briefs.** In both civil and criminal cases (except for death penalty cases), reply briefs are limited to 7,000 words. Mechanically typed and handwritten reply briefs are limited to 20 pages.

(3) **Petitions for Certiorari, Applications for Appeal, Pre- and Post-Conviction Habeas Corpus Appeals, Motions, and Responses.** Petitions for certiorari, applications for appeal, pre-conviction and post-conviction habeas corpus appeals, motions, and responses and replies to these categories of filings are limited to 7,000 words. Such mechanically typed and handwritten documents filed in paper form are limited to 20 pages. See Rule 20 (4), below, for page limitation in cases in which the State is seeking a death sentence or in which a previously imposed death sentence is at issue.

(4) **Death Penalty Cases.** Principal briefs and applications for appeal in cases in which the State is seeking a death sentence or in which a previously-imposed death sentence is at issue are limited to 20,000 words. If mechanically typed or handwritten, such documents are limited to 80 pages. Reply briefs in such cases are limited to 10,000 words. If mechanically typed or handwritten, such documents are limited to 40 pages. Such mechanically typed and handwritten documents filed in paper form are limited to 40 pages.

(5) **Amicus Curiae Briefs.** Amicus curiae briefs are limited to 7,000 words.

(6) **Exclusions from Word and Page Limitations.** Cover page, table of contents, table of citations, appendices, certificate of service, signature block, and the statement of compliance with word-count limits shall not be counted toward the applicable word or page limitations.

(7) **Certification of Word-Count.** Each submission must contain the following certification immediately above the signature block of the submitting attorney or pro se party: "This submission does not exceed the word-count limit imposed by Rule 20." The submitting attorney or pro se party signing the certificate may rely on the word-count of the computer program used to prepare the document.

(8) **Extensions of Word or Page Limitations.** Extensions of word or page limitations are granted infrequently, but may be granted in the Court's discretion and upon good cause shown. Any such motions shall

comply with Rules 15 – 18, and any order granting an extension of the word or page count must be appended to the document when submitted.

(9) If a document does not comply with this rule, the Court may strike the document without leave to re-file.

Rule 21. BRIEFS AND OTHER FILINGS: PAGE NUMBERING.

The pages of each filing counted toward the applicable page limit shall be sequentially numbered with Arabic numerals.

Rule 22. BRIEFS: ARGUMENT AND AUTHORITY.

The following applies to all filings except filings in death penalty matters.

(1) Any enumerated error or subpart of an enumerated error not supported by argument, citations to authority, and citations to the record shall be deemed abandoned.

(2) Along with the jurisdictional statement and enumeration of errors noted in Rule 19, briefs must contain full and complete citations of authority. Georgia case citations must include the case name, volume, and page number of the official Georgia reporters. Cases not yet reported shall be cited by the Supreme Court or Court of Appeals case name, number, and date of decision.

Citations to an electronic record should be indicated by volume number of the electronic record and the PDF page number within the volume (Vol. Number – PDF Page Number; for example V1-77). Citations to a paper record should be indicated by volume number and page number of the record or transcript (Vol. Number – Page Number; for example V1-77).

Rule 23. AMICUS CURIAE BRIEFS.

(1) Amicus curiae briefs in support of any party may be filed without leave of the Court within ten days after that party's initial brief, petition, or application is due.

(2) Amicus curiae briefs in support of neither party may be filed without leave of the Court within ten days after the response or reply brief is due.

(3) Amicus curiae briefs may be filed thereafter only with leave of the Court. An application for leave to file an amicus curiae brief shall be filed in the form of a motion and shall attach the proposed brief as Exhibit 1.

(4) Amicus curiae briefs shall disclose the identity and interest of the persons on whose behalf the brief is filed. The Court may strike or deny any amicus curiae brief that could result in the disqualification of a Justice or if the amicus curiae brief does not aid in the consideration of the issues presented on appeal.

(5) Amici curiae do not have standing to file motions for reconsideration, but may submit briefs in support of a motion for reconsideration made by a party.

Rule 24. SUPPLEMENTAL BRIEFS.

(1) During oral argument the Chief Justice or, in the absence of the Chief Justice, the Justice who is presiding over the argument, may order or give leave to file supplemental briefs from counsel on designated matters that require discussion, development, or clarification and may provide for the time in which the briefs are to be filed. An application for leave to file the supplemental brief is not required under such circumstances.

(2) Other supplemental briefs may be filed only with leave of the Court. Any communication with the Court regarding recent authority which comes to the attention of a party subsequent to the filing of the party's brief or after oral argument, but before decision, must be filed in compliance with this rule as a supplemental brief. Unless otherwise ordered by the Court, any response to the supplemental brief shall be made within five days after the supplemental brief is filed and shall be in accordance with this rule. An application for leave to file a supplemental brief shall be filed in the form of a motion and shall attach the proposed brief as Exhibit 1. If leave is granted, a party shall file the brief as ordered by the Court, but no later than five days from the date the request to file is approved.

(3) Supplemental briefs may not be used to expand the enumeration of errors.

Rule 25. SUPPLEMENTAL RECORD.

In the event that a record is supplemented pursuant to OCGA § 5-6-41 (f) or § 5-6-48 (d), any party wishing to present an issue in this Court relating to the trial court proceeding regarding which the record was supplemented must first raise the issue before the trial court and must then file a motion for leave to file additional enumerations of error and a brief within five days after the docketing of the supplemental record in this Court or after the trial court rules on the issue raised, whichever date is later. The motion should set out why the enumerations of error could not have been raised in the appellant's principal brief.

If the motion for leave to file additional enumerations of error and a brief is granted, opposing parties may file a responsive supplemental brief within ten days after the supplemental brief with the additional enumerations of error is filed.

Rule 26. MOTIONS GENERALLY, MOTIONS TO DISQUALIFY, EMERGENCY MOTIONS, AND MOTIONS TO EXPEDITE.

(1) **Motions While Matter is Pending.** Motions may be filed while a matter is pending in this Court. Motions should comply with Rules 15, 16, 17, and 20. Responses to motions may be filed at any time.

(2) **Motion to Disqualify.** Unless otherwise provided by order of the Court, cause for disqualification or recusal of a Justice of this Court shall be brought to the attention of the Court by motion no later than five days after the movant first learned of the alleged grounds for disqualification, and no later than ten days prior to oral argument, if oral argument has been set, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay oral argument or decision in the case.

The motion and all evidence thereon shall be presented by accompanying affidavit(s) which shall clearly state the facts and reasons for the belief that alleged bias or prejudice exists, being definite and specific as to time,

place, persons, and circumstances of the factual basis which demonstrate alleged bias in favor of any adverse party, alleged prejudice toward the moving party, or a basis upon which the Justice's impartiality otherwise might be reasonably questioned. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

A Justice whose impartiality is questioned will determine, alone or in consultation with the other Justices, whether to grant or deny the motion to disqualify or to disqualify himself or herself from or not participate in the case voluntarily, rendering the motion moot. The criteria for disqualification are set forth in statutory law, case law, and the Code of Judicial Conduct. When a Justice is disqualified or is not participating, the underlying action will proceed in accordance with Rule 57, as needed.

(3) **Emergency Motions.** An emergency motion filed with the Clerk should comply with Rules 15, 16, 17, and 18. If the emergency motion seeks supersedeas, it must also comply with Rule 9. Any response to the emergency motion shall be filed as promptly as possible and, in appropriate cases, the Court may act on a motion without waiting for a response. Oral argument on an emergency motion will not be permitted unless the Court so directs.

An emergency motion that is filed before the main case is docketed, and is not filed as a motion for supersedeas contemporaneously with a discretionary or interlocutory application, will be designated as an emergency matter and shall:

(a) Contain an explanation why an order of this Court is necessary and why the action requested is time-sensitive;

(b) Contain a stamped "filed" copy of the order being appealed;

(c) Include a stamped "filed" copy of the notice of appeal;

(d) Show service upon the opposing party before filing the motion with the Court; and

(e) Be accompanied by the appropriate filing fee or affidavit of indigence or is shown to otherwise meet an exception as provided in Rule 5.

(4) **Motions to Expedite.** A motion to expedite a decision on the case shall not be granted absent extraordinary circumstances, such as when the appeal would become moot absent an expedited decision. A motion to expedite is not a substitute for seeking equitable relief pending appeal.

Rule 26.1. CERTIFICATE OF INTERESTED PERSONS.

(1) Counsel for the appellant, applicant, petitioner, or movant must file as a separate document at the time of the initial filing with the Court, i.e. when a party files its first motion (including a motion for extension of time to file a petition or application), brief, petition, or application, or upon transfer of the case from the Court of Appeals, a Certificate of Interested Persons (CIP), to the best of counsel's knowledge, containing:

(a) A complete list of all parties that have ever been named in the case, whether or not the party remains in the case;

(b) A complete list of persons who have served as an attorney in the case before the lower courts or administrative agencies;

(c) A complete list of witnesses, if any, who were called at any trial or hearing in the case.

(2) Counsel for the appellee or respondent has the duty to review the Certificate of Interested Persons (CIP) filed by the appellant, applicant, petitioner, or movant and to supplement, to the best of counsel's knowledge, with any additional persons who should have been disclosed. The supplemented CIP shall be filed as a separate document.

(3) **Form of Certificate.** The certificate must be signed and dated and substantially in the following form:

[style and number of case]
Certificate of Interested Persons

(1) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all parties that have ever been named in the case, whether or not the party remains in the case.

_____

_____

(2) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all persons who have served as an attorney in this case before the lower courts or administrative agencies.

_____

_____

(3) The undersigned counsel of record for [party name] to this action certifies to the best of his/her knowledge that the following is a full and complete list of all persons who were called as a witness at any trial or hearing in this case.

_____

_____

Submitted this _____ day of _____, 20___.

_____

Counsel for _____

Rule 27. MOTIONS FOR RECONSIDERATION.

(1) **Physical Preparation.**
Motions for reconsideration shall be prepared in accordance with Rule 20 (3).

(2) **Time of Filing.**
A motion for reconsideration may be filed regarding any matter in which the Court has ruled, and must be received by the Court via the Clerk's Office or electronically filed within ten days from the date of the ruling. A copy of the ruling to be reconsidered shall be attached. No second or subsequent motion for reconsideration by the same party after a first motion has been denied shall be filed except by permission of the Court. No response to a motion for reconsideration is required, but any party wishing to respond must do so expeditiously. See also Rule 61 regarding motions to stay the remittitur and Rule 13, regarding filing deadline.

(3) The Court may by special order in any case limit the time within which a motion for reconsideration may be filed to any period less than ten days.

Rule 28. SUGGESTION OF DEATH.

The death of a party to a pending appeal may be suggested at any time, and the Court may then take action to substitute the appropriate representative of the deceased party.

Rule 29. RESERVED.

III. INTERLOCUTORY APPEALS

Rule 30. REQUIREMENTS.

Applications for interlocutory appeal shall contain a concise jurisdictional statement and an enumeration of errors as set out in Rule 19 (1) (c) and (d), and have attached a copy of the trial court's order to be appealed and a stamped copy of the certificate of immediate review showing the date of filing. A certified transcript is not necessary, but affidavits, exhibits, and relevant portions of the transcript should be

attached to the application to demonstrate to the Court what the record will show if the application is granted and, if seeking to invoke this Court's constitutional question jurisdiction, to show where in the record the constitutional issue was raised and where the issue was ruled on below.

Responses, due within ten days of docketing, are encouraged and should be filed as briefs.

The application for interlocutory appeal will be considered by the Court without oral argument.

Rule 31. STANDARD FOR GRANTING.

An application for leave to appeal an interlocutory order will be granted only when:

(1) The issue to be decided appears to be dispositive of the case;

(2) The order appears erroneous and will probably cause a substantial error at trial; or

(3) The establishment of a precedent is desirable.

Rule 32. RESERVED.

IV. DISCRETIONARY APPEALS

Rule 33. REQUIREMENTS.

Applications for discretionary appeal shall contain a concise jurisdictional statement and an enumeration of errors as set out in Rule 19 (1) (c) and (d), and have attached a stamped copy of the trial court's order to be appealed, showing the date of filing. A certified transcript is not necessary, but affidavits, exhibits and relevant portions of the transcript should be attached to the application to demonstrate to the Court what the record will show if the application is granted and, if seeking to invoke this Court's constitutional question jurisdiction, to

show where in the record the constitutional issue was raised and where the issue was ruled on below.

Responses, due within ten days of docketing, are encouraged and should be filed as briefs.

The application for discretionary appeal will be considered by the Court without oral argument.

Rule 34. STANDARD FOR GRANTING.

An application for leave to appeal a final judgment in cases subject to appeal under OCGA § 5-6-35 shall be granted when:

(1) Reversible error appears to exist; or

(2) The establishment of a precedent is desirable.

Rule 35. RESERVED.

V. POST-CONVICTION HABEAS CORPUS APPEALS; ORIGINAL PETITIONS

Rule 36. GENERAL PROVISIONS.

(1) **Application for a Certificate of Probable Cause to Appeal.**

Structure and Content

An application for a certificate of probable cause to appeal must identify separately and concisely each alleged ground for relief from the challenged conviction or sentence and must state the facts that support each ground, and have attached a stamped copy of the habeas court's order to be appealed, showing the date of filing. A certified transcript is not necessary, but exhibits and relevant portions of the transcript should be attached to the petition to demonstrate to the Court what the record will show if the petition is granted.

Responses to an application for a certificate of probable cause to appeal filed by a prisoner acting pro se, are encouraged, but not required except as ordered by this Court. For all other applications, a response must be filed within 30 days of the filing of the petition. The response should be filed as a brief.

The application for a certificate of probable cause to appeal will be considered by the Court without oral argument.

Standard for Granting

A certificate of probable cause to appeal a final judgment in a habeas corpus case involving a criminal conviction will be issued where there is arguable merit, provided that there has been compliance with OCGA § 9-14-52 (b).

(2) **Original Petitions.**

Although the Supreme Court has the constitutional authority to grant original relief, see Ga. Const. of 1983, Art. VI, Sec. I, Par. IV, original petitions will only be granted under extremely rare circumstances. A petitioner is not allowed to invoke this Court's original jurisdiction as a way to circumvent the proper channels for obtaining relief in the trial court.

An original petition for mandamus against a superior court judge will be considered by the Supreme Court only when a stand-alone petition for mandamus was first filed in the same superior court to be decided by another judge and that procedure proved ineffective.

Structure and Content

A Rule 36 (2) petition shall:

(a) Contain an explanation why an order of this Court is necessary and why jurisdiction lies in this Court rather than a superior court;

(b) Include sufficient material to apprise the Court of the issues, in context, and to support the arguments advanced. Failure to submit

sufficient material to apprise the Court of the issues and support the argument shall result in dismissal of the petition; and

(c) Show that service was perfected upon the opposing party contemporaneously with or before filing the petition with the Court. Responses to a petition filed by a party acting pro se are not required except as ordered by this Court.

VI. INTERIM APPELLATE REVIEW

Rule 37. ISSUES FOR REVIEW.

Interim appellate review of pre-trial matters in death penalty cases shall be conducted as follows and in conformity with the Unified Appeal Procedure, Rule II (F) – (H) and OCGA §§ 17-10-35.1 and 17-10-35.2:

(1) The question of whether there shall be an interim review of pre-trial proceedings will be considered by this Court only if the trial court, having conducted a hearing on the matter, orders that interim review is appropriate. See OCGA § 17-10-35.2. An order by the trial court denying such review shall not be appealable. See id.

(2) If the trial court orders that interim review is appropriate, the trial court shall complete and file in the trial court record a report in the form provided in the Unified Appeal Procedure, Rule II (G). Thereafter, the parties shall file any reports/applications addressing the appropriateness of interim review in the trial court, and not in this Court, in the manner prescribed in the Unified Appeal Procedure, Rule II (F) (3) – (6). Any requests for extensions of time for filing the reports/applications of the parties shall be directed to the trial court and not to this Court. Upon the filing of the reports/applications of both parties or the passage of the time for filing them, including any extensions granted by the trial court, the trial court shall transmit a copy of the entire pre-trial record, including any reports/applications addressing the appropriateness of interim review, in the manner prescribed in the Unified Appeal Procedure, Rule II (F) (7).

(3) The parties will be permitted to file in this Court any briefs that they deem appropriate within seven days of docketing of the trial court record in this Court.

(4) This Court will issue an order granting interim review of the pre-trial proceedings, or portions thereof, or denying review within 45 days of the date on which the copy of the pre-trial record is docketed in this Court.

(5) If interim review is granted by this Court, the case will proceed as any other appeal. Oral argument in such an appeal shall be mandatory. See Rule 50 (2).

(6) If interim review is granted, the copy of the pre-trial record will become a permanent part of this Court's records.

VII. CERTIORARI
(Review of a Court of Appeals Decision)

Rule 38. TIMING.

Compliance with the requirements of this rule governing petitions for certiorari is mandatory.

(1) Notice of intention to apply for certiorari filed in the Court of Appeals is governed by the rules of that court. A copy of the notice of intent is not to be filed in this Court.

(2) The petition for certiorari shall be filed with the Clerk of the Supreme Court within 20 days after the date of entry of judgment or the date of the disposition of the motion for reconsideration, if one is filed, along with payment of the filing fee when required by Rule 5.

Rule 39. COURT OF APPEALS OPINION.

A copy of the decision of the Court of Appeals and the order deciding the motion for reconsideration, if applicable, shall be attached to the petition.

Rule 40. STANDARD FOR GRANTING.

(1) Review on certiorari is not a right. A petition for the writ will be granted only in cases of great concern, gravity, or importance to the public. Although this list is neither controlling nor exclusive, such cases may include those in which:

(a) A decision of the Court of Appeals on an important matter is in conflict with other decisions of the Court of Appeals or decisions of this Court; or

(b) A decision of the Court of Appeals on an important matter faithfully applies a decision of this Court, but this Court's precedent warrants reconsideration; or

(c) The Court of Appeals has decided an important question of state law that is likely to recur and has not been, but should be, settled by this Court.

Certiorari generally will not be granted merely to correct an asserted error, particularly when the asserted error concerns only the sufficiency of evidence, the correctness of factual findings, or the application of a properly stated rule of law to the facts of a particular case.

(2) In all appeals from criminal convictions, a litigant shall not be required to petition for rehearing and certiorari following an adverse decision of the Court of Appeals in order to be deemed to have exhausted all available state remedies respecting a claim of error. When the claim has been presented to the Court of Appeals, and relief has been denied, the litigant shall be deemed to have exhausted all available state remedies.

Rule 41. PETITIONS.

(1) A petition for certiorari must comply with Rules 14 – 22. Any brief of facts and law prepared in connection with a petition for certiorari should be included as part of the petition and not filed as a separate document.

(2) A petition for certiorari must state, separately and distinctly, the question or questions presented by the case which, in the petitioner's

view, meet the standard set out in Rule 40 for granting review. The question or questions should be set out under a separate heading at the beginning of the petition, before any table of contents, table of authorities, or introduction.

(3) Argument in a petition for certiorari should explain why, in the petitioner's view, the question or questions presented by the case meet the standard set out in Rule 40 for granting review, not merely why the decision below was error.

(4) The petition for certiorari will be considered by the Court without oral argument.

Rule 42. RESPONSES.

Responses to petitions for certiorari, filed within 20 days of the filing of the petition, are encouraged. See Rules 19 – 22. Failure to file a response shall be deemed to be an acknowledgment by the respondent that the requirements of the rules for the grant of the petition for certiorari have been met, but such acknowledgment is not binding on this Court.

Rule 42.1. REPLIES IN SUPPORT OF PETITIONS FOR CERTIORARI.

Replies in support of petitions for certiorari are permitted but not required. Any reply must be filed within ten days of the filing of the response brief and must comply with the 7000 word-count or 20 page limitations specified in Rule 20. Sur-replies are not permitted.

Rule 43. RECORD.

Upon receiving a copy of the notice of docketing of the petition for certiorari from the Clerk of this Court, the Clerk of the Court of Appeals shall transmit a certified copy of the Court of Appeals' opinion and judgment to the Supreme Court. Upon the request of the Supreme Court or upon the grant of certiorari, the Clerk of the Court of Appeals shall prepare the record of the case for use by the Supreme Court. Upon disposition, the paper record, if any, shall be returned to the Court of Appeals.

Rule 44. APPEAL BOND.

In criminal cases, the filing of a petition for certiorari does not automatically extend the applicant's appeal bond; application must be made to this Court for an extension of the appeal bond.

Rule 45. GRANTED CERTIORARI.

In the event that a petition for certiorari is granted, the appellant and the appellee shall file briefs only in response to the question or questions posed by the Court in its order granting certiorari. The briefing schedule set forth in Rule 10 shall be followed, counting from the date of the order granting certiorari.

VIII. CERTIFIED QUESTIONS

Rule 46. ELIGIBLE COURTS.

When it appears to the Supreme Court of the United States, any federal appellate or district court, or any state appellate court that there is involved in any proceeding before it a question regarding the laws of this State which is determinative of that proceeding and there are no clear controlling precedents in the appellate decisions of this State, such court may certify such a question of the laws of Georgia to this Court for instructions. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. IV.

This Court, in the exercise of its discretion, may decline to answer a question of law certified to it. Upon deciding to decline, the Court shall notify the parties and the certifying court of its action.

Rule 47. QUESTION PRESENTED.

The court certifying to this Court a question of law shall formulate the question and cause the question to be certified and transmitted to this Court, together with copies of such parts of the record and briefs in the case as the certifying court deems relevant. The certification order shall also contain a designation of one of the parties as the moving party. The party designated by the certifying court as the moving party shall be

referred to as the appellant and the party adverse to the moving party shall be referred to as the appellee.

Rule 48. PROCEDURE.

Such questions shall be docketed by the Clerk like other cases, and the rules relating to oral arguments, briefs, motions, etc., in direct appeals shall apply. Payment of a filing fee is not required. See Rule 5 (2) (b).

The written opinion of the Court stating the law governing the question certified shall be sent to the certifying court and to the parties by the Clerk under the seal of the Supreme Court. The decision shall be accorded the same force and effect as any other decision of the Court and shall be published with the opinions of the Court.

IX. BAR DISCIPLINARY, BAR ADMISSIONS, AND JUDICIAL QUALIFICATIONS COMMISSION

Rule 49. BAR DISCIPLINARY, BAR ADMISSIONS, AND JUDICIAL QUALIFICATIONS COMMISSION CASES.

(1) **Procedure.** Filings should comply with the Bar Disciplinary, Bar Admissions, or Judicial Qualifications Commission Rules and with the Supreme Court Rules, as appropriate.

(2) **Filings Under Seal.** All motions to suspend a judge before formal charges are filed or to transfer a judge to incapacity inactive status filed by the Investigative Panel of the Judicial Qualifications Commission, as well as related filings, shall be filed under seal. Such a motion and related filings shall remain under seal unless and until this Court grants the motion for reasons other than incapacity, at which point the motion and related filings shall be unsealed by the Clerk of this Court. In the event that the Court denies such a motion, the order and any accompanying opinion or opinions shall be issued under seal, and the motion and related filings shall remain under seal unless and until formal charges are filed. All pleadings, information, hearings, and proceedings regarding an incapacity matter of a judge shall remain sealed regardless of disposition.

X. CALENDAR; ORAL ARGUMENT

Rule 50. ORAL ARGUMENT.

(1) **Calendaring; Postponement.** The docket notice will inform the parties in what month oral argument, if permitted, will take place. The Clerk's Office releases the calendar approximately four to six weeks in advance of argument, but not later than 20 days before the scheduled argument date. A motion to postpone the argument, to allow longer argument, or to allow more than one counsel to argue must be filed reasonably in advance of the argument date.

(2) **Mandatory Argument.** Unless the Court directs otherwise, oral argument is mandatory in the following cases, which will be placed automatically upon the oral argument calendar:

(a) A granted writ of certiorari;

(b) A direct appeal from a judgment imposing a sentence of death;

(c) An appeal following the grant of interim review under Rule 37;

(d) An appeal following the grant of an application for a certificate of probable cause to appeal in a habeas corpus case in which a sentence of death is under review;

(e) An appeal by the warden in a habeas corpus case in which a sentence of death has been vacated in the lower court; and

(f) Questions certified to this Court by the Supreme Court of the United States, any District Court or Circuit Court of Appeals of the United States, or any state appellate court, under Rules 46-48.

(3) **Permissive Argument.** Oral argument may be permitted in all other cases, if either party timely files a request for oral argument that complies fully with Rule 51. Requests that do not fully comply with Rule 51 ordinarily will be denied. Cases are often considered by the Court without oral argument.

(4) **Orders Requiring, Refusing, Expanding, or Limiting Argument.** In any case, the Court may require, refuse, expand, or limit oral argument as it deems appropriate.

Rule 51. REQUESTS FOR ORAL ARGUMENT.

(1) **Time for Filing.** A request for oral argument by the appellant must be filed within 20 days after the appeal is docketed. A request by the appellee must be filed within ten days after the appellant's brief is filed. Requests must not exceed 3,000 words, or five pages if typed or handwritten, and must be made in a separate filing and be self-contained; they must not incorporate by reference briefs or portions of the record. Extensions of the time for filing a request for oral argument will be allowed only in exceptional circumstances. An extension of time granted for filing a brief does not extend the time to file an oral argument request.

(2) **Statement of Reasons for Requesting Oral Argument.** A request for oral argument shall state with particularity why oral argument is needed. Reasons for which oral argument may be needed may include, but are not limited to, that the record on appeal is unusually complex, that the appeal presents an important question of first impression for this Court, that the decisions of this Court or the Court of Appeals at issue in the appeal are inconsistent or otherwise warrant reconsideration, or that the appeal otherwise presents important questions of unusual complexity. The statement should identify with particularity the issue or issues on which the party intends to focus during argument. Conclusory assertions do not comply with this rule.

(3) **Notice to Opposing Parties.** Prior to filing a request for oral argument, a party shall notify the opposing parties or their counsel of the intention to request oral argument and inquire whether those opposing parties also desire oral argument. A request shall certify that such notification and inquiry has been made, and a request shall further state whether the opposing parties do or do not desire oral argument.

(4) **Transferred Cases.** A request for oral argument must be renewed upon transfer of an appeal to this Court from the Court of Appeals within five days after docketing in this Court.

(5) **Number of Persons Arguing.** Leave of the Court must be obtained before more than one attorney will be permitted to argue for the appellant or the appellee, even when multiple parties appear as appellant or appellee in the same case or cases consolidated for oral argument. The Court discourages argument by more than one attorney for the appellant or the appellee. Leave will be granted for more than one attorney to argue for the appellant or the appellee only in exceptional circumstances. An application for leave to divide argument time must be filed in the form of a motion explaining with particularity why such division is necessary.

(6) **Remote Argument**. A party may file a request for remote oral argument at the same time as the Rule 51 (1) request for oral argument is filed or in cases placed automatically upon the oral argument calendar, the party seeking remote argument should file the request within 20 days after the appeal is docketed. The request for remote argument shall indicate if there is good cause for the request, (i.e., health concerns) or if remote argument is merely preferred, and must also advise whether the other party agrees to remote argument. Hybrid arguments where one party is remote and the other party is in person are not permitted. The request must not exceed 1,500 words, or three pages if typed or handwritten, and must be made in a separate filing. The Court will grant a request for remote argument only in exceptional circumstances and will advise the parties of its decision before the case is placed on an oral argument calendar.

Rule 52. APPEARANCE. Attorneys appearing for oral argument should report at the times noted on the oral argument calendar and notify the Clerk of their presence upon arrival at the courtroom. Argument is waived unless the attorney is ready to argue in the sequence presented on the calendar. Counsel who are not arguing do not need to check in at the Clerk's desk.

Rule 53. ORDER OF ARGUMENT. The appellant opens the argument. The appellee (or cross-appellant) replies. Rebuttal is restricted to one attorney representing the appellant, who shall confine his or her arguments to matters covered in the argument of opposing counsel.

Rule 54. TIME.

(1) **Time allowed.** Unless otherwise provided by the Court, oral argument is limited to 20 minutes for each side except in direct appeals of judgments imposing the death penalty (such cases are docketed with a P in the docket number such as S24P0100) where arguments are limited to 30 minutes for each side. The digital clocks in the courtroom provide a countdown of the time remaining for argument, along with color-coded light cues. The yellow light on the digital clock indicates that five minutes of argument time remain; the red light indicates that time has expired. Counsel is expected to keep time for any rebuttal argument; the Court will not reserve time for counsel's rebuttal.

(2) **Related cases.** Appeals, cross-appeals, and companion cases shall be considered to be one case for the purpose of oral argument. Parties on the same side of the case must divide the allotted time by agreement among themselves. See Rule 51 (5).

Rule 55. COURTROOM DECORUM.

(1) The dignity of the Court is to be respected and maintained at all times.

(2) No food or drink shall be permitted in the courtroom, except for water provided at counsel tables.

(3) **Counsel.** Attire for counsel should be restrained and appropriate to reflect the dignity of appearing before the State's highest court. The lawyers' lounge has been provided to counsel to prepare for argument and other purposes. Counsel may use laptops or tablet devices in silent mode while seated at counsel tables or at the argument podium. Only members of the Georgia Bar and counsel appearing pro hac vice in the case being argued may sit at counsel tables or in the well of the Court.

(4) **Electronic devices, recording and photographing.** When court is in session, electronic devices must be in silent mode and should not be read when in the courtroom. No one should talk or make any noise except for counsel making argument to the Court. Taking notes, if not done in a

distracting manner, is permitted in the courtroom, but other distracting behavior is prohibited.

Audio or visual recording or photographing of any kind without the express permission of the Court is prohibited. Permission to record the session or take photographs must be secured before the argument session from the Court's Public Information Office. Persons engaged in unauthorized filming or recording may be asked to leave the courtroom.

(5) **Visitors.** Court sessions are open to the public, and visitors are welcome to attend on a first-come, first-served basis. Attire that does not comport with the dignity and solemnity of the proceeding, including but not limited to accessories such as pins or buttons that promote a cause, is strictly prohibited. Hats or caps or other headgear not worn for religious purposes must be removed while in the courtroom. Repeated entrances and departures are to be avoided.

XI. OPINIONS AND JUDGMENTS

Rule 56. PARTICIPATION OF JUSTICES.

Each judgment shall show on its face the vote, nonparticipation, or disqualification of each Justice.

Rule 57. DISQUALIFIED OR NOT PARTICIPATING.

A disqualified or nonparticipating Justice shall be replaced by a senior appellate Justice or judge, a Judge of the Court of Appeals, or a judge of a superior court whenever necessary to achieve a quorum and on any other occasion that the participating Justices by majority vote deem such replacement necessary.

Rule 58. JUDGMENTS.

When a Justice concurs, he or she agrees with the opinion or order and the judgment rendered by it. When a Justice concurs specially or in the judgment only, he or she does not agree with all that is said in the opinion or order. A dissenting Justice disagrees with the opinion or order and with the judgment rendered by it.

Rule 59. AFFIRMANCE WITHOUT OPINION.

An affirmance without opinion may be rendered in any civil case when the Court determines at least one of the following circumstances exists and is dispositive of the appeal:

(1) The evidence supports the judgment;

(2) No harmful error of law, properly raised and requiring reversal appears; or

(3) The judgment of the court below adequately explains the decision and an opinion would have no precedential value.

Decisions rendered under Rule 59 have no precedential value.

Rule 60. REMITTITUR.

A remittitur shall be transmitted to the court from which the case was received as follows:

(1) In cases involving death sentences as provided by OCGA § 5-6-11; and

(2) In other cases as soon as practicable after the expiration of ten days following the entry of the judgment or upon the denial of a motion for reconsideration, see Rule 27, unless otherwise ordered.

Rule 61. STAY OF REMITTITUR.

Any party desiring to have the remittitur stayed in this Court in order to appeal to, or seek a writ of certiorari in, the Supreme Court of the United States shall file in this Court a motion to stay the remittitur with a concise statement of the issues to be raised on appeal or in the petition for certiorari. Such motion shall be filed at the time of filing a motion for reconsideration or, if no motion for reconsideration is filed, within the time allowed for filing of one. See Rule 27.

A stay of remittitur will not be granted by this Court from the denial of a petition for certiorari.

A motion to stay the remittitur that is filed after the remittitur has been transmitted to the court from which the case was received shall not be accepted for filing.

XII. THE PARENTAL NOTIFICATION ACT

Rules 62 through 66 are adopted to provide for the expedited consideration of appeals under the "Parental Notification Act" (OCGA § 15-11-680 et seq.) for a minor seeking an abortion. See OCGA § 15-11-684 (e).

Rule 62. CERTIORARI.

(1) Any minor to whom a juvenile court has denied a waiver of notice under OCGA § 15-11-684 (c) and whose appeal to the Court of Appeals has been denied may obtain expedited treatment of a petition for certiorari by filing a petition in this Court.

(2) A notice of intention to apply for certiorari shall be filed with the Clerk of the Court of Appeals within 24 hours after the judgment of the Court of Appeals affirming the disposition of the juvenile court, and the petition for certiorari shall be filed in this Court within 48 hours after the judgment.

(3) Within 24 hours after receiving notice, the Clerk of the Court of Appeals shall prepare the record of the case and a certified copy of the Court of Appeals' opinion and judgment for use by the Supreme Court.

(4) Time shall be computed as set out in Rule 11.

(5) The requirements of Part VII – CERTIORARI are not applicable. The requirement for payment of a filing fee is waived.

(6) Upon receipt of the petition, any response, the record of the case, and a certified copy of the Court of Appeals' opinion, this Court shall take the petition under consideration and shall grant or deny the petition within two days of receipt of the record and certified opinion.

(7) If certiorari is granted, this Court will render a decision within five days following the grant of certiorari.

(8) If the decision of this Court or the denial of the petition for certiorari has the effect of affirming the judgment of the juvenile court, the minor may file a motion for reconsideration and the same will be governed by Rule 27, except that such a motion shall be filed within five days from the date of the decision of this Court and may be filed out of term. Any such motion will be decided by the Court within five days of the filing thereof.

Rule 63. RESERVED.

Rule 64. REMITTITUR.

If the decision of this Court reverses the judgment of the Court of Appeals or the juvenile court, the remittitur will be forwarded to the Clerk of the Court of Appeals or the clerk of the juvenile court immediately after the rendition of the decision. If the decision of this Court or the denial of the petition for certiorari has the effect of affirming the judgment of the juvenile court, the remittitur shall be transmitted to the Clerk of the Court of Appeals or the clerk of the juvenile court as soon as practicable after the expiration of five days from the date of the judgment unless otherwise ordered or unless a motion for reconsideration has been filed.

Rule 65. EXPEDITING.

Upon good cause shown, the Court may enter such orders as will further expedite the processing of these cases.

Rule 66. RECORD UNDER SEAL.

All pleadings, briefs, orders, transcripts, exhibits, and any other written or recorded materials that are part of the record shall be considered and treated by the Court as confidential. Upon conclusion of the appellate proceedings, the record will be resealed, and the contents of the record shall not be disclosed, except upon order of this Court. In no event shall the name, address, birth date, or social security number of the minor be disclosed during the appeal or thereafter. See OCGA § 15-11-684 (e).

XIII. THE APPELLATE RECORD

Rule 67. RECORDS AND TRANSCRIPTS.

The record consists of the case papers and exhibits filed in the trial court and designated by the appellant or petitioner to be transmitted to the appellate court in a notice of appeal. The preparation of the record, an index of the designated docket entries ("record index"), and designated transcripts on appeal is the obligation of the clerk of the trial court and questions concerning form or content should be addressed to the trial court in the first instance. Parties should be sure that everything relevant to the issues on appeal and identified in the Notice of Appeal is included initially in the record on appeal in order to obviate the need to supplement the record.

The clerk of the trial court shall certify and transmit to the Clerk of this Court copies of the record, the record index, and transcripts as required within the time prescribed by statute. The record shall be transmitted by the trial court clerk or deputy personally through the Supreme Court electronic record access system at http://trial.gasupreme.us/, by United States mail or express mail, or by a commercial delivery company with charges prepaid. Transmission by a party or attorney is prohibited.

In habeas corpus appeals, although electronic transmission is preferred, and copies are preferred in lieu of the original record, the clerk may certify and transmit the original record. See OCGA § 9-14-52 (b). The original record will be returned to the trial court.

Rule 68. FORMAT.

(1) **Records on Appeal.**

Electronic Transmission of the Appellate Record: It is preferred that the trial court clerk submit the appellate record and transcript electronically through the SCED-Trial Court Access System at https://trial.gasupreme.us/login. Instructions on how to upload the appellate record are available on the electronic filing site. To the extent possible, electronic records and transcripts should comply with the

following requirements. Electronic records and transcripts, including depositions, shall be formatted for 8 1/2″ x 11″ paper with double spacing between each line of text and at least one inch margins. Compressed formats allowing more than one page of transcription to appear on a single page are not permitted. All records and transcripts shall be in a type size no smaller than 12-point Courier font or 14-point Times New Roman. The pages of the record shall be numbered consecutively on the bottom of the page. The trial court clerk shall certify each volume of the record. **The index of the record shall be transmitted as a separate document.**

Paper Transmission of the Appellate Record: Any appellate record submitted in paper format shall be printed on 8 1/2″ x 11″ white opaque paper with double spacing between each line of text and at least one inch margins. Compressed formats allowing more than one page of transcription to appear on a single page are not permitted. Voluminous paper records must be bound in separate parts containing no more than 250 pages per volume. All records and transcripts shall be in a type size no smaller than 12-point Courier font or 14-point Times New Roman. The pages of the record shall be numbered consecutively on the bottom of the page. The trial court clerk shall certify each volume of the record. **The index of the record shall be transmitted as a separate document.**

(2) **Recordings.**

When the notice of appeal directs that transcripts of a trial or a hearing be included in the record, copies of all video or audio recordings that were introduced into evidence shall be transmitted to this Court along with the trial or hearing transcript. It shall be the responsibility of the party tendering the recordings at a trial or a hearing to ensure that a copy of the recording is included in the trial court record; however, it is the burden of the appealing party to ensure that a complete record is transmitted to this Court on appeal, including the transmission of video or audio recordings. If a transcript of a trial or a hearing is designated as part of the appellate record, the clerk of the trial court shall then include the copy of the recording in the appellate record transmitted to this Court. If a copy of a recording played at a trial or a hearing is not included with the transcript designated to be transmitted in the appellate record,

this Court may take whatever action is necessary in order to ensure completion of the record, including, but not limited to, issuing a show-cause order requiring an explanation of its absence. The appellant's failure to complete the record may also result in this Court declining to consider enumerations of error related to the missing evidence.

(3) **Audiovisual Media.**

Copies of any video or audio recordings of evidence shall be submitted to this Court on DVD, on video or audio compact disc, USB or thumb drive, VHS or cassettes, and shall include any proprietary software necessary to play the recordings in conformance with Uniform Superior Court Rule 22.1.

(4) **Sealed Records.**

(a) Any records or transcripts delivered to this Court as sealed by the trial court, with an order of the trial court attached to the record, shall remain sealed until a motion is made to unseal the record or the record is unsealed by this Court. At the time of filing, access to sealed documents will be restricted to authorized Court personnel only.

(b) Counsel for any party may move this Court for an order to unseal any appellate record or portion thereof. The motion to provide access to the sealed material must identify which counsel or support staff are seeking authorized access.

(c) Counsel for any party may move this Court for an order to seal any appellate record or portion thereof. A motion to seal must include authority for why this Court is required to seal the requested records.

(5) **Transcripts on Compact Disc.**

In lieu of a printed transcript, the trial court may certify and transmit the transcript on a compact disc, so long as the other requirements for transcripts have been satisfied. Any transcript submitted on a compact disc shall be in a searchable PDF format.

Rule 69. SEQUENCE.

A clerk-certified index and record with pages numbered at the bottom and a cover sheet shall be arranged as follows:

(1) Index (including page references, filing dates and the descriptive name of each filing listed; index should be included as a separate document from the record);

(2) Notice of appeal;

(3) Other items in chronological order; and

(4) Clerk's certificate.

Whether submitted electronically or by paper, each part shall be certified separately.

Rule 70. COURT REPORTER'S TRANSCRIPT.

The copy of the original transcript shall be a separate document not attached to the record. It shall show the style of the case, contain an index, and the pages shall be numbered consecutively on the bottom. Voluminous printed transcripts submitted in paper format must be bound in separate parts. The court reporter and the trial court clerk shall certify each part.

Rule 71. EVIDENCE.

Where a party relies upon physical evidence on appeal that was admitted or proffered at trial, the party shall see that a description or photograph of the physical evidence, together with an explanation of it, if helpful, is included within the transcript in lieu of sending the original evidence.

(1) If the party who is relying upon physical evidence deems the original evidence to be of such importance that a photograph or description cannot suffice to demonstrate the party's contention, application may be made to the trial court for an order directing the transmission of the original evidence to this Court, or application may be made to this Court for such

an order if it cannot be obtained from the trial court after a good-faith effort.

(2) Where the admissibility of photographs is enumerated as error, the originals or exact duplicates shall be included in the transcript.

(3) The court reporter and the clerk shall certify the exhibits.

Rule 72. PROHIBITED EVIDENCE.

Unless directed by this Court, no physical evidence or exhibits shall be sent to this Court that do not fit within the transcript or are bulky, cumbersome, or expensive to transport or which, by reason of their nature, are dangerous to handle.

Rule 73. RETURN OF EVIDENCE.

Original evidence or exhibits received by this Court pursuant to Rule 71 will be returned to the trial court clerk within 90 days after the remittitur is returned to the lower court.

Rule 74. WAIVER.

The appellee shall be deemed to have waived any failure of the appellant to comply with the provisions of the Appellate Practice Act relating to the filing of the transcript of the evidence and proceedings or transmission of the record to this Court unless objection thereto was made and ruled upon in the trial court prior to transmission and such ruling by the trial court is appealed as provided by law.

XIV. MEDIA RULES

Rule 75. BROADCAST PROCEEDINGS. Proceedings in the Supreme Court may be broadcast by television and radio, recorded electronically, and photographed by still news photographers, if done in compliance with the provisions of these rules and the Code of Judicial Conduct.

Rule 76. DIGNITY OF THE PROCEEDINGS. No broadcasting, recording, or photographing shall disrupt or distract from the dignity of

the Court proceedings. All media outlets wishing to cover Court proceedings in person and broadcast those proceedings by television or radio must submit a Request to Broadcast form at least 24 hours in advance. See https://www.gasupreme.us/court-information/media/.

Rule 77. NUMBER OF MEDIA. No more than four still photographers and one television camera will be permitted in the courtroom for coverage at any time while a proceeding is in session. However, the Court will allow all photographers and videographers to pool or divide the time so that all will be allowed to participate. The positioning and removing of cameras shall be done only when the Court is in recess. Any pooling arrangements among those seeking to provide camera coverage shall be the sole responsibility of media persons. Neither the Clerk nor the Public Information Officer is responsible for resolving disputes regarding the same.

Rule 78. RESERVED.

Rule 79. EQUIPMENT. Persons desiring to cover a proceeding must furnish their own equipment and shall be responsible for it.

Rule 80. VIDEO CAMERAS. All video cameras are restricted to the right rear or right left of the courtroom. Video cameras which produce distracting noise or sound may not be used.

Rule 81. PHOTOGRAPHERS. During sessions of the Court, still photographers may only take photographs while standing, from behind the back rows of the spectator seats. No flashbulbs or noisy motor drives or battery-operated film advances may be used in the courtroom.

Rule 82. VIDEO. During the time that the Court is in session, media personnel will be limited in their movements behind the back rows of the spectator seats of the courtroom.

Rule 83. MEDIA SEATING. All persons recording or photographing a hearing or event will remain in the areas designated by the Court and will avoid activity that might disrupt the proceedings.

Rule 84. NOTES AND SKETCHES. These rules shall not affect the coverage of any judicial proceeding by a media representative or other person who is not using a camera or recording device but who is taking notes or making sketches.

Rule 85. INTERVIEWS. Attorneys appearing before the Court may not give interviews in the courtroom or in the Nathan Deal Judicial Center, and media representatives shall not seek interviews in the courtroom or in the Nathan Deal Judicial Center without permission of the Court.

Rule 86. AGREEMENT. All media representatives who cover a judicial proceeding are subject to this section and agree to comply with it.

Rule 87. OFF-SITE PROCEEDINGS. In the event that the Court holds judicial sessions at places other than its courtroom in Atlanta, these rules shall be followed to the extent reasonably possible.

Rule 88. CEREMONIAL PROCEEDINGS. The restrictions under these rules may be applied to the coverage of ceremonial or non-judicial proceedings.

Rule 89. RESERVATION. The Court reserves the right in any particular proceeding to modify by court order any of the above rules and provisions, whether on its own motion or on the written request of any member of the media affected by the rules.

Rule 90. COURT FINAL AUTHORITY. The Court shall retain the exclusive authority to limit, restrict, prohibit, and terminate the photographing, recording, and broadcasting of any judicial session.

XV. STUDENT PRACTICE RULE

Rule 91. PURPOSE.

The purpose of this rule is to recognize and support experiential learning opportunities that currently exist for law students in Georgia and to broaden the potential range of such opportunities, thereby expanding access to justice through the work of properly qualified and supervised law students who are permitted, as if admitted and licensed to practice

law, to represent and appear on behalf of units of government and persons unable to afford legal services. By expanding the range of work that law students may do as if admitted to practice, this rule does not, however, address nor intend in any way to restrict the wide variety of activities in which law students otherwise assist lawyers in their practice of law, including both law school educational programs and traditional work as law clerks.

Rule 92. ACTIVITIES PERMITTED BY A REGISTERED LAW STUDENT.

An eligible law student registered for student practice pursuant to this rule, when under the supervision of a member of the State Bar of Georgia, may, as if admitted and licensed to practice law in Georgia, advise, prepare legal instruments, appear before courts and administrative agencies, and otherwise take action on behalf of:

(1) Any state, local, or other government unit or agency;

(2) Any person who is unable to pay for the legal services of an attorney; or

(3) Any non-profit organization the purpose of which is to assist low or moderate income persons.

When a registered law student appears before a court or agency, the judge or presiding officer has authority to prescribe the form and manner by which such student may participate in proceedings. A registered law student may neither ask for nor receive any compensation or remuneration of any kind from any client for whom the student renders services; but this shall not prevent the student from receiving compensation, or a scholarship, stipend or other remuneration from a law school, governmental entity, or other non-profit agency in acknowledgment of the services the student is performing. Nothing in this rule prohibits a supervising attorney, or organization employing such supervising attorney, from applying for, charging, or collecting a fee relating to activities of the registered law student authorized by this rule that the attorney or organization otherwise may properly apply for, charge, or collect. Communications between the client of a supervising

attorney and a registered law student shall be privileged to the same extent as communications protected by the attorney-client privilege and work product doctrine and protected as confidential under the Georgia Rules of Professional Conduct, and the presence of a registered law student during communications between the supervising attorney and the client shall not waive any otherwise applicable evidentiary privilege or duty of confidentiality.

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule nor the right of lawyers to use assistants in their practice as permitted by the Georgia Rules of Professional Conduct.

Rule 93. REQUIREMENTS FOR REGISTRATION.

A law student is eligible for registration if the student:

(1) Is enrolled at the time of original registration in a school of law approved by the American Bar Association; and

(2) Has completed at the time of original registration legal studies equivalent to at least two semesters of full-time study.

Rule 94. PROCEDURE FOR REGISTRATION.

To register an eligible law student under this rule, the student's law school must provide the Office of Bar Admissions with the following:

(1) Certification by the law school dean that:

(a) The student has completed legal studies equivalent to at least two semesters of full-time study,

(b) The student is currently in good academic standing, and

(c) To the best of the knowledge of the dean, the student is of good moral character and is prepared to begin the work described under this rule; and

(2) An oath signed by the student including at a minimum the following affirmations or equivalent statements:

(a) "I will support the Constitution of the United States and the Constitution of the State of Georgia.";

(b) "I will maintain the respect due to courts of justice and judicial officers.";

(c) "I will employ such means only as are consistent with truth and honor, and will never seek to mislead by any artifice or false statement of fact or law.";

(d) "I will maintain and protect all confidences entrusted to me.";

(e) "I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the State Bar of Georgia."; and

(f) "I have read and am familiar with the Georgia Rules of Professional Conduct and will comply with all of the provisions of the Georgia Rules of Professional Conduct, which are applicable to activities undertaken by me pursuant to this rule."

The registration shall remain in effect until the student's graduation from law school unless terminated.

Upon determining that a student has complied with the above requirements for registration, the Office of Bar Admissions shall assign a number identifying the registered student and provide to the student evidence of registration, which may be in either electronic or printed form. The registered student shall include this identifying number on the signature line of any document prepared pursuant to Rule 95 (4), and shall produce evidence of registration upon request when appearing before any court or tribunal of this state.

The Director of the Office of Bar Admissions may terminate registration at any time without prior notice or hearing and without any showing of

cause. The Director of the Office of Bar Admissions shall terminate registration upon receipt of notice from the law school dean that:

(1) the student has been placed on academic probation;

(2) the student is no longer enrolled at the law school; or

(3) the dean has determined to terminate the dean's prior certification, which the dean may do at any time without prior notice or hearing and without any showing of cause.

The dean of the student's law school may designate an associate or assistant dean or other appropriate law school official to provide certifications and notices under this provision on the dean's behalf.

Rule 95. SUPERVISION OF A REGISTERED LAW STUDENT.

An attorney who supervises a registered law student shall:

(1) Confirm on the website of the Office of Bar Admissions that the student is registered;

(2) Have personal and professional responsibility for all activities of the student registered pursuant to this rule and ensure that the student is covered by an adequate amount of malpractice insurance unless the supervising attorney is a public prosecutor or otherwise an official protected by governmental immunity;

(3) Counsel and assist the student, and in particular provide guidance in matters of professional responsibility and legal ethics, in order to assure proper practical training of the student and effective representation of the person or entity receiving services in relation to activities of the student registered pursuant to this rule;

(4) Review, approve, and personally sign any document prepared by a student that is filed in any court or tribunal, and review and approve any document prepared by a student that would have binding legal effect on a person or entity receiving services in relation to activities of the student registered pursuant to this rule, and require that any document signed

by a law student states that the student is acting as a registered law student pursuant to this rule;

(5) Obtain a signed consent from a person or entity being represented acknowledging that the supervising attorney is being assisted by the registered law student; and

(6) Be physically present during the conduct of any grand jury investigation, administrative proceeding, hearing, trial, or other proceeding in which the registered law student appears unless the judicial officer of the court or tribunal in which the student is appearing determines that the physical presence of the supervising attorney is not necessary.

Rule 96. APPEARANCE AND ARGUMENT BEFORE THE SUPREME COURT.

Law students authorized to practice under these rules, see Rules 91-96, may co-author briefs, indicating their status on the signature line. A law student participating in a clinical program at a Georgia law school may be authorized to make oral argument if the supervising attorney of the program files a motion to authorize the law student to argue and includes in the motion the name of the student seeking to argue, the extent of the attorney supervision to prepare the student for argument, and a statement that the supervising attorney will be personally present and prepared to supplement any oral statement made by the student. The Court must give specific approval for the law student's participation in the argument. Law students and recent law school graduates are not eligible to present oral argument based on their participation in legal training programs organized in the offices of governments and non-profit organizations.

XVI. PROVISIONAL ADMISSION FOR RECENT LAW SCHOOL GRADUATES

Rule 97. ELIGIBILITY. A recent law school graduate, when under the supervision of a qualified attorney admitted to the practice of law in Georgia, as described in Rules 100 and 102, may be provisionally

admitted to practice law in this State. A recent law school graduate is eligible for such provisional admission if that person:

(1) graduated within the last 12 months from a law school accredited by the American Bar Association;

(2) is certified as fit to practice law by the Board to Determine Fitness of Bar Applicants;

(3) is certified by the dean or the dean's designee of the law school from which the student graduated as competent to practice law under supervision; and

(4) has not failed a bar examination in any jurisdiction.

Rule 98. APPLICATION PROCEDURE. The following procedures must be followed for an eligible law school graduate to obtain provisional admission:

(1) The recent law school graduate must submit an application to the Office of Bar Admissions on a form to be issued by the Board of Bar Examiners. That Board may also set a reasonable fee to be submitted to the Office of Bar Admissions. The application shall include an acknowledgement by the applicant that, upon provisional admission, the applicant is subject to the terms of Part XVI of these Rules and the Georgia Rules of Professional Conduct, and that the applicant is subject to the concurrent jurisdiction of the Board of Bar Examiners, the Board to Determine Fitness of Bar Applicants, the State Bar of Georgia, and this Court. The applicant shall also acknowledge that any violation of Part XVI of these Rules or any of the Georgia Rules of Professional Conduct may subject the applicant to discipline by the State Bar of Georgia or this Court and to the suspension or revocation of that applicant's certification of fitness by the Board to Determine Fitness of Bar Applicants.

(2) Upon a determination by the Board of Bar Examiners that an applicant is eligible for provisional admission under Part XVI of these

Rules, the Office of Bar Admissions shall issue a certificate of provisional admission to the applicant.

(3) When the Office of Bar Admissions issues a certificate of provisional admission to an applicant, it shall also issue a written oath in the following form:

"I swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and as an attorney and counselor provisionally admitted to the practice of law in this State in accordance with the Georgia Rules of Professional Conduct and Part XVI of the Rules of the Supreme Court of Georgia, and I further swear that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."

The applicant shall promptly execute the written oath and provide it to the Office of Bar Admissions.

(4) After executing the written oath under Section (3) of this Rule, the applicant shall register as a provisional lawyer with the State Bar of Georgia and pay such reasonable fee as the State Bar may require for the registration of persons provisionally admitted to the practice of law under Part XVI. Such fee shall not exceed the amount of annual membership dues for inactive members of the State Bar. At the time of registration, the applicant shall submit to the State Bar of Georgia the declaration of a lawyer qualified under Rules 100 and 102 of Part XVI to supervise such applicant, attesting that the lawyer is eligible, willing, and able to supervise such applicant and acknowledging the obligations of a supervising lawyer under Rule 102.

Rule 99. AUTHORIZATION TO ENGAGE IN THE PRACTICE OF LAW. Except as limited by Rule 100, a recent law school graduate provisionally admitted to the practice of law under Part XVI may engage in the practice of law, including by, but not limited to, appearing in courts of record, arbitration proceedings, and other judicial and quasi-judicial proceedings, drafting pleadings and other legal documents and instruments, representing clients in settlement discussions and other

negotiations, and providing counsel to clients consistent with the practice of law in Georgia.

Rule 100. LIMITATIONS TO THE PRACTICE OF LAW. The following limits shall apply to the practice of law by recent law school graduates who have been provisionally admitted under Part XVI:

(1) At all times, a person provisionally admitted to the practice of law under Part XVI shall be supervised in the practice of law by a lawyer who has been admitted to the practice of law in Georgia for no less than five years, who is an active member of the State Bar of Georgia in good standing, and who has never been the subject of public discipline.

(2) Persons provisionally admitted to the practice of law under Part XVI shall expressly disclose to each of their clients at the outset of the representation that they are provisionally admitted to the practice of law and that they may only practice under supervision. Such provisional lawyers also shall provide to each client in writing the name, mailing address, telephone number, and bar number of the lawyer supervising their representation of the client.

(3) Any pleadings or other papers filed in any court by a person provisionally admitted to the practice of law under Part XVI shall expressly disclose that the person is provisionally admitted to the practice of law and shall include the name, mailing address, telephone number, and bar number of the supervising lawyer.

(4) When persons provisionally admitted to the practice of law under Part XVI appear in any court, they shall expressly disclose to the judge that they are provisionally admitted to the practice of law, and the judge may exercise discretion to require the personal attendance of the supervising lawyer.

(5) A person provisionally admitted to the practice of law under Part XVI may appear in this Court or the Court of Appeals only by leave of court.

Rule 101. DURATION. A recent law school graduate's provisional admission under Part XVI shall expire in the following ways:

(1) If not terminated or suspended sooner as provided in Sections (2) and (3) of this Rule, the provisional admission shall expire 30 days after the release of the results of the second Georgia bar examination that takes place after the provisional lawyer graduated from law school.

(2) The provisions of Section (1) of this Rule notwithstanding, a provisional admission shall be suspended automatically and immediately if the provisional lawyer's certification of fitness is revoked or suspended by the Board to Determine Fitness of Bar Applicants, or upon the date that the provisional lawyer is notified by the Office of Bar Admissions that they failed to pass a Georgia bar examination.

(3) The provisions of Section (1) of this Rule notwithstanding, this Court shall have the authority to revoke or suspend any provisional admission for good cause shown upon the motion of the State Bar of Georgia or the Board of Bar Examiners.

Without limiting the foregoing provision, this Court shall also have the authority to revoke or suspend a provisional admission upon a showing that the person provisionally admitted has violated Rule 99 or Rule 100 of Part XVI or has violated any of the Georgia Rules of Professional Conduct.

Rule 102. OBLIGATIONS OF SUPERVISING LAWYERS. By undertaking to supervise a person provisionally admitted to the practice of law pursuant to Part XVI, a supervising lawyer is required:

(1) to exercise supervisory authority over the person provisionally admitted to the practice of law and to assume supervisory responsibility for their representation of clients consistent with Rule 5.1 of the Georgia Rules of Professional Conduct, but leaving the determination of whether the personal attendance of the supervising lawyer is required at a particular proceeding to the discretion of the supervising lawyer and any officer presiding over that proceeding;

(2) to be prepared to assume personal responsibility for the representation of clients of the person provisionally admitted to the practice of law in the event that the provisional admission expires or is suspended by any event other than the full admission of such person to the practice of law;

(3) to promptly notify the State Bar of Georgia and the Board of Bar Examiners and to withdraw supervision under Section (4) of this Rule, if the supervising lawyer determines that the provisional lawyer is not competent to practice law, has violated any provision of Rule 99 or Rule 100 of Part XVI, or has violated any of the Georgia Rules of Professional Conduct; and

(4) to notify the State Bar of Georgia in writing of their withdrawal of supervision if the supervising lawyer becomes ineligible, unwilling, or unable to continue to supervise the provisional lawyer. Upon a withdrawal of supervision, the provisional lawyer must immediately cease the practice of law until a substitute declaration by another lawyer who is eligible, willing, and able to supervise such person is submitted to the State Bar.

If a person provisionally admitted under Part XVI is employed by an office or law firm in which more than one lawyer is eligible, willing, and able to serve as a supervising lawyer, only one such supervising lawyer is required to submit the declaration described in Rule 98, Section (4) of Rule 98 to the State Bar of Georgia. Such supervising lawyer may thereafter delegate the duty of supervision to other eligible, willing, and able supervising lawyers employed in the same office or law firm.

XVII. PROVISIONAL ADMISSION FOR MILITARY SPOUSES

Rule 103. APPLICATION PROCEDURES AND TERMINATION EVENTS.

(1) Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active duty service member of the United States Uniformed Services, as defined by the United States Department of Defense, who is currently

assigned to a post in Georgia—or if assigned to a post outside the United States was most recently assigned in the United States to a post in Georgia—(herein defined as a "Military Spouse") may obtain a provisional license to practice law in this State pursuant to the terms of this Rule.

(2) The Military Spouse must file a Petition to Determine Eligibility for Admission on Motion without Examination and the accompanying Fitness Application, as described in Part C of the Rules Governing Admission to the Practice of Law in Georgia. The Military Spouse must meet all of the eligibility requirements listed therein, except that the Military Spouse need not show that she or he has been primarily engaged in the active practice of law for five of the last seven years.

(3) If the Board of Bar Examiners approves the Petition and the Board to Determine Fitness of Bar Applicants certifies the Military Spouse as fit to practice law in this State, the Military Spouse will receive a Certificate of Eligibility for Provisional Admission to the Practice of Law as a Military Spouse and must then follow the procedures specified in Part B, Sections 14-17 of the Rules Governing Admission to the Practice of Law in Georgia to be sworn in.

(4) Upon registration with the State Bar of Georgia, the Military Spouse will be designated as a Provisional Lawyer, entitled to all the privileges and subject to all the obligations of active members of the State Bar, including all ethical, legal, and continuing legal education obligations and the disciplinary jurisdiction of the State Bar of Georgia.

(5) Provisional Admission under this Rule will automatically terminate 180 days after any of the following events:

(a) the lawyer's spouse retires or otherwise separates from the Uniformed Services or is reassigned on military orders to a permanent duty station in the United States but outside Georgia;

(b) the lawyer ceases to be the spouse of an active-duty member of the Uniformed Services;

(c) the lawyer relocates permanently to another jurisdiction for reasons other than the spouse's reassignment on military orders;

(d) the lawyer takes and fails the bar examination in Georgia; or

(e) the lawyer fails to meet any of the annual licensing requirements for Georgia lawyers.

XVIII. PROPOSED AMENDMENTS TO THE UNIFORM RULES

Rule 104. REQUEST TO AMEND UNIFORM RULES.

A request to the Court to amend the Uniform Rules of any of the classes of trial courts, or to adopt rules that deviate from the uniform rules, shall be filed with the Clerk of the Supreme Court. Internal operating procedures must also be filed with the Clerk of the Supreme Court but do not require the Court's approval.

Rule 105. SUBMISSION TO STATE BAR.

Any proposal submitted, except submissions of internal operating procedures, shall contain a statement that a copy of the proposed rule amendment has been forwarded to the State Bar for comment.

Rule 106. FORMAT.

Any submission, including submissions of internal operating procedures, shall explain the reasons for the proposal, the ways that it differs from existing rules and procedures, and the specific changes sought, with additional material underlined and deleted material stricken through.

Rule 107. RESERVED.

Rule 108. RESERVED.

Rule 109. RESERVED.

XIX. CONTINUING JUDICIAL EDUCATION

Rule 110. REQUIREMENTS.

Each Justice of the Supreme Court shall complete a minimum of 12 hours of instruction in an approved continuing judicial or legal education activity during each calendar year. If a Justice completes more than 12 hours in a year, the excess credit may be carried forward and applied to the education requirement for the succeeding year only.

Each Justice shall complete during each year a minimum of 1 hour of continuing judicial or legal education activity in the area of legal or judicial ethics and 1 hour in the area of professionalism. These hours are to be included in, and not in addition to, the 12-hour requirement. If a Justice completes more than 1 hour in either or both of these areas during a year, the excess may be carried forward to a maximum of 2 hours in either or both areas and be applied to the ethics and/or professionalism requirement for succeeding years.

The Supreme Court may exempt a Justice from the continuing judicial education requirements but not from the reporting requirements of this rule for a period of not more than one year upon a finding by the Court of special circumstances unique to that member constituting undue hardship.

Rule 111. REPORTING DEADLINE.

On or before January 31 of each year, each Justice shall make and file with the Clerk of the Supreme Court evidence of compliance with the requirements of the program for mandatory continuing judicial education.

Rule 112. REPORTING CRITERIA.

Continuing education programs for which a Justice may receive qualifying credit shall include: (1) programs of the Appellate Judges Conference sponsored by the American Bar Association; (2) programs sponsored by the Institute of Continuing Judicial Education of Georgia; (3) programs of continuing legal education accredited by the Commission

on Continuing Lawyer Competency of the State Bar of Georgia, including all programs of the Institute of Continuing Legal Education; (4) programs sponsored by any law school accredited by the American Bar Association; and (5) such other programs of continuing judicial or legal education as may be approved by the Supreme Court.

For teaching in a program qualifying under (1)-(5), above, a Justice shall be given three hours of credit for each hour of instructional responsibility when no handout paper is required but preparation is necessary and is conducted, and six hours of credit for each hour of instructional responsibility when a handout paper is required and prepared. When the same lecture or instructional activity is repeated in a single year, additional credit shall be given equivalent to the actual time spent in delivering that presentation.

Rule 113. FAILURE TO REPORT.

In the event a Justice shall fail to comply with the requirements of the rules for Mandatory Continuing Judicial Education at the end of an applicable period, such Justice may submit to the Supreme Court a specific plan for making up the deficiency of necessary hours within 60 days after the last day for the reporting of activities for the preceding year.

In the event such plan is not submitted, or in the event a plan is submitted but not complied with during the 60-day period, the Supreme Court shall administer a reprimand to the noncomplying Justice and the fact of such reprimand may be noted and published in the Supreme Court Reports.

XX. EXTENDED PUBLIC SERVICE PROGRAM

Rule 114. CRITERIA.

An attorney who is a member in good standing of the bar of another state, territory or district (hereafter referred to as an "out-of-state attorney") who is employed by, associated with, or serving as a volunteer pro bono attorney with the Attorney General, a district attorney, a solicitor-general of a state court, a solicitor of a municipal court, a public defender,

or a licensed practicing attorney who works or volunteers for a court or for a not-for-profit organization which provides free legal representation to indigent persons or children may assist in proceedings within this state as if admitted and licensed to practice law in this state provided that such attorney complies with the provisions of Rules 114 – 120.

Rule 115. REQUIREMENTS.

All pleadings and other entries of record must also be signed by the Attorney General, a district attorney, solicitor-general, solicitor, public defender, or duly appointed assistant attorney general, assistant district attorney, assistant solicitor-general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 114. In the conduct of any grand jury investigation, administrative proceeding, hearing, trial, or other proceeding, such Attorney General, district attorney, solicitor-general, solicitor, public defender, or duly appointed assistant district attorney, assistant solicitor-general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 114, must be physically present.

An out-of-state attorney authorized to practice under this Part shall not use the title of any public officer or employee of this state or use any designation that implies that such attorney is admitted to practice as an attorney in this state.

Rule 116. FILING THE PETITION.

A petition for permission for an out-of-state attorney to assist in proceedings under this Part shall be filed by the Attorney General, a district attorney, solicitor-general, solicitor, public defender, the chief legal officer of a not-for-profit organization which provides free legal representation to indigent persons or children, or a licensed practicing attorney who works or volunteers to provide free legal representation to indigent persons or children with the Clerk of the Supreme Court, setting out the attorney's name, address, the name of the law school from which he or she graduated, and the name of each jurisdiction in which such attorney has been admitted to the practice of law. Such petition shall include:

(1) A certificate of any court of last resort in each such jurisdiction certifying that the out-of-state attorney is a member in good standing of the bar of such jurisdiction;

(2) A certificate from the disciplinary authority of each jurisdiction of admission which states that the out-of-state attorney has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending; and

(3) An affidavit by the out-of-state attorney that he or she has not within the previous five years been found to have provided ineffective assistance of counsel or personally to have committed prosecutorial misconduct by a court of law in any jurisdiction in which such attorney is admitted to practice or have been found by a court of law to have committed professional malpractice in any civil action.

If the out-of-state attorney has applied to take the Georgia Bar Examination, the petition shall set forth the date application was made and the anticipated date of the examination and shall be accompanied, if available, by evidence of certification of fitness to practice law from the Board to Determine Fitness of Bar Applicants issued under Part A, Section 11 of the Rules Governing Admission to the Practice of Law. If not available, the status of the out-of-state attorney's fitness application in Georgia or any other state, if any, shall be set out in the petition. An out-of-state attorney who has been denied or tentatively denied certification of fitness to practice law in Georgia, or any other state or whose certification of fitness has been suspended, shall not be eligible to practice under this rule.

Rule 117. REGISTRATION.

Upon receiving and examining the petition of the out-of-state attorney, the Court shall register the out-of-state attorney as eligible to practice under these Rules. Permission to practice under these Rules shall be valid for a period not to exceed 18 months.

Permission to practice under this rule shall terminate if:

(1) The out-of-state attorney ceases to be employed by, associated with, or serve as a volunteer pro bono attorney with the official or attorney who filed the petition. It shall be the duty of such official or attorney to notify the Clerk of this Court, in writing, that the out-of-state attorney is not so employed, associated, or serving;

(2) The out-of-state attorney is admitted to the practice of law in this state;

(3) The out-of-state attorney fails the Georgia Bar Examination;

(4) The out-of-state attorney's certification of fitness is suspended by the Board to Determine Fitness of Bar Applicants of the Supreme Court or by the Bar Admissions authority of any other state;

(5) The out-of-state attorney is suspended or disbarred for disciplinary reasons in any jurisdiction in which such attorney is admitted to practice.

The Court shall issue a certificate to the out-of-state attorney setting out the petitioner's status as an out-of-state attorney and the duration of his or her eligibility to practice under these Rules.

Rule 118. CERTIFICATE.

The out-of-state attorney shall present such certificate to the judge of the trial court where the out-of-state attorney will assist in proceedings. The judge shall enter an order setting forth the form and manner in which the out-of-state attorney is authorized to participate in proceedings. Before entering such order authorizing an out-of-state attorney to assist in proceedings pursuant to these Rules, the judge shall require the out-of-state attorney to take the oath prescribed by Part B, Section 16 of the Rules Governing Admission to the Practice of Law. If the out-of-state attorney will be assisting the Attorney General, a district attorney, solicitor-general, solicitor, or public defender, the judge shall further require of the out-of-state attorney an oath similar to the oath required by an attorney employed by such public official.

A copy of this Court's certificate, the oath or oaths, and the judge's order authorizing an out-of-state attorney to assist in proceedings pursuant to

these Rules shall be kept on file in the office of the clerk of the court where such authority is to be exercised. If the out-of-state attorney is authorized to assist in more than one court within a judicial circuit, a certified copy of the Court's certificate, the oath or oaths, and the judge's order shall be filed with each clerk of court.

Rule 119. EFFECT OF PERMISSION TO PRACTICE.

All out-of-state attorneys permitted to practice under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.

Rule 120. MALPRACTICE INSURANCE.

A licensed practicing attorney as described in Rule 114, who is supervising out-of-state attorneys under this Part, shall ensure that at all times the out-of-state attorney is covered by an adequate amount of malpractice insurance unless the supervising attorney is a public prosecutor or otherwise an official protected by governmental immunity.

XXI. PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

Rule 121. PROVISION TO TEMPORARILY PRACTICE IN THIS STATE FOLLOWING A MAJOR DISASTER.

(1) **Determination of Existence of Major Disaster.**

Solely for purposes of this rule, this Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

(a) This jurisdiction and whether the emergency caused by the major disaster affects the entirety or only a part of this jurisdiction, or

(b) Another jurisdiction, but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this jurisdiction pursuant to paragraph (3) of this rule shall extend only

to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

(2) **Temporary Practice in this Jurisdiction Following Major Disaster.**

Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (1) (a) of this rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of pro bono services and the assistance of lawyers from outside of this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended, or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be assigned and supervised through an established not-for-profit bar association, pro bono program, or legal services program or through such organization(s) specifically designated by this Court.

(3) **Temporary Practice in this Jurisdiction Following Major Disaster in Another Jurisdiction.**

Following the determination of a major disaster in another United States jurisdiction pursuant to paragraph (1) (b) of this rule, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended, or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

(4) **Duration of Authority for Temporary Practice.**

The authority to practice law in this jurisdiction granted by paragraph (2) of this rule shall end when this Court determines that the conditions caused by the major disaster in this jurisdiction have ended except that a lawyer then representing clients in this jurisdiction pursuant to paragraph (2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation. The lawyer shall not thereafter accept new clients. The authority to practice law in this jurisdiction granted by paragraph (3) of this rule shall end 60 days after this Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

(5) **Court Appearances.**

The authority granted by this rule does not include appearances in court except:

(a) Pursuant to that court's pro hac vice admission rule; or

(b) If this Court, in any determination made under paragraph (1) of this rule, grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to paragraph (2) of this rule. If such an authorization is included, any pro hac vice admission fees shall be waived.

(6) **Disciplinary Authority and Registration Requirement.**

Lawyers providing legal services in this jurisdiction pursuant to paragraph (2) or (3) of this rule are subject to this Court's disciplinary authority and the Georgia Rules of Professional Conduct. Lawyers providing legal services in this jurisdiction under paragraph (2) or (3) of this rule must file a registration statement with the State Bar of Georgia. The registration statement shall be in a form prescribed by the State Bar. Any lawyer seeking to provide legal services pursuant to this rule must be approved by the State Bar before being authorized to provide such legal services. Any lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.

(7) **Notification to Clients.**

Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule shall inform clients in this jurisdiction of the jurisdiction in which they are authorized to practice law, of any limits of that authorization, and that they are not authorized to practice law in this jurisdiction except as permitted by this rule. They shall not state or imply to any person that they are otherwise authorized to practice law in this jurisdiction.

(8) **Judicial Emergency.**

Judicial emergencies are also addressed in OCGA §§ 38-3-60 – 38-3-64.

XXII. EFFECTIVE DATE

Rule 122. EFFECTIVE DATE.

These Rules, adopted August 24, 2023, will be effective January 1, 2024. The Rules govern all proceedings after their effective date except to the extent that, in the opinion of the Court, their application to a pending matter would not be feasible or would work an injustice, in which event the former rule applies.